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Published Weekly

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The New REPUBLIC

A Journal of Opinion

VOLUME I | New York, Saturday, January 23, 1915 | NUMBER 12

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CONGRESS is certainly a helpless and clumsy legislative instrument. In the good old days when its business was chiefly administrative and the amount and character of its legislation made little difference, it could do a sufficiency of talking, dispatch its business promptly, and then ring down the curtain without any hitch at a pre-arranged time. But now that the condition of the country demands a large amount of novel and contentious legislation, it is wholly unable to cut short the performance and order the taxicab for a reasonable hour. The audience is yawning. The actors are languid and irritable. The management is profane. But the performers cannot get through the dialogue and the business of the day. By March fourth Congress will have been sitting continuously, with two short intermissions, for two years and three months. Its members all want to go home. They all know that their constituents want them to go home. They all know that if they stay or come back after March fourth, public opinion will be disgusted. But they know ... water-power legislation. They would probably ignore these reasons, but the administrative chief of the government is taking revenge for Congressional usurpation of executive functions by insisting upon holding Congress to a rigid standard of legislative responsibility. It looks as if the legislation would have to be abandoned if an extra session is to be avoided. Should an extra session be called, Congressional leadership will be as helpless to terminate it as it has been to avoid it. The agency of national regulation seems quite incapable of regulating itself to its own satisfaction or that of public opinion.

A GROUP of social reformers are proposing the adoption of a new method of amending the Federal Constitution, one which facilitates the amending process without by any means making it too easy. They assert that many current social movements are being built on "unstable foundations until the Constitution which determines and limits the efforts at social and political readjustment is brought under the control of the people." They might have put the case rather more strongly. The amending clause of the Federal Constitution forms an insuperable obstacle to the wholesome realization in this country of a thoroughgoing professional political and social policy. It makes the process of altering the constitution so difficult that the American people as a whole have never felt that they were responsible for their fundamental law. It seems to be imposed upon them by a rigid legalistic mechanism, and it figures in their minds less as an instrument of their national purposes than as inaccessible and awful guardian of their collective moral welfare. It is a royal Constitution and it exists not to be amended and adapted but to be feared and obeyed. The American people will never be convinced of their responsibility for their own political and social destiny until the process of

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main so for long. Before many years the majority of progressives will understand that, as Professor Munroe Smith declares, "the first article of any sincerely intended progressive program must be the amendment of the amending clause of the Constitution."

HEAVY is the scourge which to-day falls upon the Poles. Conscripted into the armies of three warring nations, compelled to kill their brothers for a flag which is not theirs and a cause which they do not love, their homes ravaged, their families dispersed, they suffer as they have suffered for generations from the hatred and fear of their alien masters. Yet these victims of oppression have their own victims. As they are persecuted by Russian and Teuton, so they too persecute the Jew. We shudder at the gruesome stories which come to us from Russian Poland, where Jewish soldiers back from the battle front find their little property taken, and their fathers and mothers and wives and children outraged and driven forth by the Poles, side by side with whom the Jews have fought in common battle. The taste for persecution is inveterate, and cruelty begets cruelty and intolerance intolerance. Yet this particular persecution, which has now been going on for years, is of more than tragic significance not only to the Jews but to the Poles themselves. Never has unity been so necessary to a people as it is to the Polish nation to-day, and never before have the Poles so needed the sympathy and the moral support of the civilized world.

THERE are various kinds of neutrality. When the Rules Committee favorably reported the woman suffrage amendment, it became known that one anti-suffrage member had broken the tie by a sudden spell of neutrality. At first it was supposed that he had had a change of heart. Perhaps a draped symbolic figure had appeared to him in the watches of the night and reminded him that 45,000,000 reproachful feminine eyes were upon him. But now a less classic explanation is ventured. He wanted, this statesman, to be timekeeper for the prohibition bill debate. He wanted it badly. But his colleagues thought he was not, in this respect, neutral enough. They feared he would mark time rather than keep it, so they passed him by. As he was defeated last fall, this gentleman concluded that if he could not keep time or mark it, at any rate he could bide it. When his colleagues wanted him to come to the front against the suffrage bill, he reminded them of their suspicions about his capacity for being neutral. In regard to suffrage, he gave [illegible] had never

clam. The moral of this incident is that honest women come into their own when the Rules Committee disagree.

GOVERNOR Philipp of Wisconsin is the most conspicuously and frankly reactionary executive in the country. He is the political leader of a state the policy of which for the last fifteen years has been distinguished by a persistent and intelligent progressive purpose. The attempt of a conservative government to correct the errors of its progressive predecessor is bound to shed a great deal of light upon the existing possibilities of American conservatism and radicalism. The Governor's message has offered to the new state management an opportunity of stating and explaining the program and the purpose of Republican conservatism. We have read this document with care, and are bound to say that it is an absurdly weak and flabby performance. It is reactionary in the literal and suicidal meaning of that word. During the period of their domination, the progressives adopted certain methods and sought to accomplish certain purposes. Governor Philipp's program consists merely in abandoning those methods and in damning those purposes. He advises the legislature to abjure legislation, to encourage instead of discouraging business, to decentralize in certain respects the state administration, and rigidly to economize. But he does not dare to go very far even in reaction. There is no conviction to his conservatism. He proposes to leave the administrative commissions intact, but he evidently intends to deprive them of the means of doing their work. His specific recommendations do not rise above the level of petty attempts to hamper the administration of progressive laws. There is not the slightest symptom in the whole document that American conservatism has recovered with its popularity any real self-confidence or any intellectual and moral vigor. Progressivism has nothing to fear except temporary annoyance from so mechanical, purblind and insipid a reaction. Unfortunately, neither has it anything to gain, as it would have from an enlightened conservative movement.

ONLY in one instance does Wisconsin's Governor Philipp propose wholly to undo the work of his predecessors. He intends to abolish the legislative reference bureau, and thereby save the state $21,000 a year. He objects to the bureau because it has been developed from a reference library into a bill-drafting office. He declares that the preparation of laws under expert advice for the benefit of individual legislators

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legislators. How disingenuous the man is! The inability of the ordinary legislator properly to draw a bill is notorious. The Governor does not make the slightest attempt to show that the work has been incompetently or wastefully performed. Manifestly an expert bill-drafting bureau is a hindrance rather than an encouragement to hasty, foolish and over-abundant legislation. The individual legislator is stimulated to the study of legislative and social problems by the careful technical analysis and preparation of legislative projects. The Governor's real reason for abolishing the bureau is contained in the statement that the bureau has exercised "an undue influence on legislation." The office is to be abolished in order to get rid of its chief, Mr. Charles McCarthy. The progressive movement in Wisconsin is to be checked by the removal of the man who has contributed so much to its past achievements. Here is an inspiring example of the new "constructive" conservatism.

"LITTLE it seems in the dusty ways," sang George Meredith of the wild rose. When Cecil Sharp spoke in New York the other night he proved that there are still Englishmen to whom the neglected wild flowers are yet "the darlings of Earth." It was as wild flowers that Mr. Sharp described the treasures he has spent years in collecting, the immemorial folk tunes which are yet to be heard in the wolds, the hamlets, the mining villages of England. He showed photographs of gnarled old country people, frequently illiterate, who preserve in their memories sometimes as many as five hundred tunes. When Mr. Sharp's companion played a few of these tunes, they refreshed every listener with their sweetness and their simplicity. They came from the heart of a people, usually merry, sometimes sad, but always clear as a bell. There is a true romance in the work this quiet Englishman has done, eliciting from shy country souls the beauties that abide with them from the dawn of music. No one can wonder at the nationalism of Mr. Sharp, lamenting over the foreign culture that stifled the folk voice of England. But the people, the "common people," still have England's music, and Mr. Sharp has "bowed his head" when they do sing.

AN old woman eighty-seven years of age died in a Home for Incurables. She was a faithful servant all her life, and was well remembered by the family for whom she had worked. Like ordinary, decent human beings, they decided to go to her funeral. No one would suppose that this required any comment. But a leading newspaper felt called upon to print an interview with the clergyman who officiated at the funeral, under the heading "Masters to Pay Funeral Honors to Loved Servant." We quote from the interview:

> "Members of the family . . . will attend the funeral, of which they have taken charge, and they and the rector of this church will go afterward to St. Michael's Cemetery to see Sarah Biggers laid away. We don't think it enough to let the undertaker go with the body after the rites are said . . . .
>
> "We all honored Sarah as much as—perhaps more than—if she were a millionaire. She was what would be called an ignorant woman, but she was good and faithful, and she was one of the treasured members of this church."

The newspaper no doubt thought it was chronicling a fine "human interest story"; the clergyman no doubt thought he was acting in a spirit of brotherly love. But it is in their good intentions that men often betray themselves most.

"THE muckraking of the minute-men," says the New York *Evening Post*, "is but an index of the new tendency to de-spiritualize the past, to take the soul out of history." And it asks, "What is to prevent the historian of 2050 from describing the social uplift movement of 1915 as primarily engineered by young men and women of the middle classes in search of jobs as investigators and research directors?" Surely the *Evening Post* of 2050 can be trusted to expose such an invidious attempt to take the soul out of history?

JUDGING from recent allegations, the bribery and corruption industry of Terre Haute, which attained publicity through one hundred and fifteen indictments and eighty-one pleas of guilty, was no narrow partisan or state affair. It wobbled back and forth, changing its spots at the state line. In Indiana it stood adamant upon Andrew Jackson and the New Freedom; in Illinois it devoted its zeal to the coming back of Uncle Joe. Some doubt is expressed as to whether the courts of the Danville district will show any interest in the matter; perhaps it is a subject for the Interstate Commerce Commission.

OBSERVERS have noted a tendency on the part of our people to get tired of world's fairs. There are the incorrigible ones, of course, who have gone the whole weary and instructive round from the World's Columbian to the Jamestown, and who are now looking up routes to California. But many are saying in their hearts, "This is exposition year, and gosh, how I dread it!" What is the fundamental cause of this growing discontent? San Diego sees it clearly enough; it lies in the feet. San Diego, unable to resist

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electric motor-chairs for visitors. The exposition-goer with bitter memories of hot, aching feet and weary miles of floor and pavement, will now take renewed interest.

ELECTION returns of 1914 bear out the contention of THE NEW REPUBLIC that the Socialist vote in the great industrial states of the East is becoming relatively less important, while making greater progress in the agricultural and mining communities of the West. The total vote of 1914, as was to be expected, was less than in 1912, but the loss in the seven great Western states (Oklahoma, Nevada, Montana, Arizona, Washington, California and Idaho) was only eight per cent, while the loss in the greatest industrial states of the nation (New York, Pennsylvania, Massachusetts, Illinois, Ohio, New Jersey, Michigan and Connecticut) was forty per cent. In five of the Western states the Socialist vote in 1914 was actually higher, in several cases much higher, than in 1912, while in every one of the great industrial states the vote fell off, the decline in Pennsylvania, Illinois and Michigan being over fifty per cent. In 1914, nineteen per cent of all Oklahoma electors voted the Socialist ticket, while in Massachusetts the proportion of Socialist voters was only two per cent. To-day the state of Washington has as many Socialist party voters as Massachusetts, Connecticut and New Jersey combined, Montana has more than Michigan, and California more than New York.

IT is not often that William Kent of California is guilty of a narrow partisan view. There is no such thing, laments Congressman Kent, as an inherent right to life, liberty and the pursuit of happiness. If there was, we should have no war, conscriptions, nor jails, nor mosquitoes on trout streams. A pert saying, but a shallow. If there is anything on this earth that clearly illustrates the universal right to the pursuit of happiness, it is exactly the mosquito on the trout stream. Man pursues the trout, the trout pursues the mosquito, and the mosquito pursues man. It contains a maximum of the somewhat cynical right ascribed by our Fathers; viz., pursuit.

LOVERS of "pees" are respectfully referred to the following from the *Pioneer of Simplified Spelling* for a warning of what may happen to us when the war is over: "When this wurld-madness haz been eksorsiezed, when aul the haitful noizes of worfair ar murjd in that luvli karesing wurd 'pees' then will cum the dai for such muuvments as ourz." Meanwhile the passage, if

Mexico and Human Liberty

IN relation to one business of outstanding importance there is no longer the slightest ambiguity about the policy of the administration. At Indianapolis the President indicated broadly but clearly his attitude towards the existing situation in Mexico and his reasons for assuming it. The attitude is one of complete and scrupulous abstention. The United States is not going to exercise the slightest pressure on the warring Mexican generals in the interest of an early settlement. No matter how long Mexican anarchy lasts, no matter how distracted the condition of the country becomes, no matter how intense and widespread the suffering of the non-combatants, there will not, if Mr. Wilson can help it, be any interference with Mexican domestic affairs as long as he is President.

Mr. Wilson is also perfectly explicit about the reasons which have induced him to substitute a new policy for his original one of interference in Mexican affairs. The change is due to his "reckless enthusiasm" for "human liberty." The Huerta revolution was a triumph of bloodthirsty military despotism, but once Huerta was deposed, further fighting was transformed into a struggle for liberty and self-government. The Mexicans are now engaged in "determining" the form and personnel of their government, and the way in which they go about it is none of our business. If they should want to try the political experiment of a new Huerta, neither the United States nor any other country has any reason to interfere with them. If they should prefer to struggle along without any government at all for a generation, that also would be an expression of human liberty and so immune from interference. It is their country, their government and their liberty. "Have not European nations taken as long as they wanted and spilt as much blood as they pleased in settling their affairs, and shall we deny that to Mexico because she is weak?

The analogy which Mr. Wilson draws between the existing struggle in Mexico and the historic wars of Europe is interesting, but it surely betrays some confusion of thought. Europe is not, like Mexico, a single country torn by domestic dissension and threatened by a powerful neighbor of alien blood and traditions. Europe is a group of countries, which have, it is true, been allowed to develop for a thousand years without outside interference, except that of the Turks, but which throughout the whole period have been insistently and unscrupulously interfering in one another's domestic affairs. Political liberty as it has

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As soon as a state had attained a fair amount of cohesion, efficiency and consequent military power, it immediately used its superior strength to impose its methods and authority upon inferior neighbors. It either succeeded in so doing, or else its interference aroused an increasingly effective resistance. In Europe the aggressive power of England, Spain and France resulted successively in the political development of their enemies and victims until finally the victims themselves grew strong enough to enter upon a career of conquest. Interference of this kind had the value of an extremely disagreeable and perilous discipline. If the weaker nation could not be stimulated by the aggressive attack to the attainment of greater cohesion and efficiency, the result usually was, as in the case of Poland, its political annihilation.

Thus the analogy between Mexico and Europe is very defective. European blood has been and is being spilt chiefly as a consequence of the attempts by strong nations to suppress or impair the liberty of their weaker neighbors. The discipline was costly and wasteful, but it was effective. It created strong nations whose very nationality has been formed by the necessity of living up to the severe standards which they place in a society of nations imposed upon them. The liberty which the European nations enjoy was not the result of an artificial isolation and protection against outside interference. It was born of stubborn national self-assertion and of the ability to make good use of national independence.

The gradual building up of an international system has tended to restrict the area of the aggressive interference and to define the conditions of its possible justifiability. Its area has not as yet been sufficiently restricted and will not be until the international system becomes much more completely organized. But one thing is certain. Human liberty is not promoted merely by the refusal of the stronger nations to interfere with the affairs of their weaker neighbors. A society of nations, like a society of individuals, derives its value in part from the quality of its component members. A weak and decomposing nation is a threat to the integrity of the whole system, just as surely as bad citizens constitute a threat to the integrity of the state. Any international system which expects to endure must make some provision for dealing with these weaker brethren. The method of dealing with them will not consist of constant petty interference or permanent subjugation. The weaker brethren will be left alone, provided their internal dissensions do not become generally maleficent. But neither can they be dealt with by dogmatic non-intervention. International liberty as is social discipline to personal liberty.

We are far from asserting that disciplinary measures, undertaken by other nations, have already become desirable or necessary in Mexico. The President is assuredly right in giving to the Mexicans the utmost practicable opportunity of recovering their self-possession and of establishing some kind of political and social order. He is right in sympathizing with their devotion to national independence. Armed intervention by this country in Mexico would bring with it consequences, burdens and risks which might be more costly to the American than to the Mexican people. But is the President wise in serving notice on the Mexican generals that no matter how wantonly they fight among themselves their fighting is consecrated in the name of human liberty and is safe from outside interference? Are the Mexicans not much more likely to compose their differences in case they are asked to recognize the existence of an ultimate international police power and of its possible application to their dissensions? And is the President wise in believing that the European nations and the American people will continue to share his attitude of entire irresponsibility for an indefinitely perpetuated condition of anarchy in Mexico? An unalterable rule of non-intervention ignores the truth which European history has persistently confirmed, that no country can in the long run be allowed to behave as it pleases without regard to the interests and standards of other nations. There is much to be said for "watchful waiting" as a tentative Mexican policy, but not even the most reckless passion for the word liberty can justify its transformation into an immaculate and absolute dogma.

Chesterton—Viereck

LAST Sunday evening in New York Mr. Cecil Chesterton and Mr. George Sylvester Viereck attempted to debate the rights and wrongs of the war. The speakers collided frequently with the audience, rarely with each other. Through a general uproar it was always quite clear, however, that Mr. Chesterton was British, and that Mr. Viereck suffered somewhat from a confusion of nationality, for he referred with equal eloquence to "our Jefferson" and "our Bismarck." Mr. Chesterton left no athletic impression on neutral minds. He was obviously ill-prepared, but he did nevertheless manage, with considerable good humor, to fumble along into an attitude of moral righteousness and to score a number of somewhat casuistical debating points. Mr. Viereck was more than a man, more than the poet who at the age of twenty-seven

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Mr. Viereck was an organization which had searched everything from Deuteronomy to the decisions of the Supreme Court for points against England and justifications of Germany. Mr. Viereck pleased the pro-Germans in the audience, who were aggressive in their applause of him and in their hissing of Mr. Chesterton. The small minority of sympathizers with the Allies behaved with a moderation which may have been due to good manners or to disappointment with the dogmatic naïveté of Mr. Chesterton's argument. They seemed somehow to give up Mr. Viereck in despair, and to feel indulgently unenthusiastic about the well-worn official platitudes of Mr. Chesterton.

The single bright spot of the cantankerous and unilluminating discussion was a short speech by one of the chairmen, Professor William N. Shepherd, of Columbia University. He rose before the rebuttals to remind the audience that no one knew the causes of this war, that we were just beginning to find out the causes of our own Civil War fifty years ago, that the attempt to pass judgment on this world-conflict now was a case of fools rushing in where scientists feared to tread. He added a rebuke which was intended to reach more than the debaters, that the causes of a supreme struggle like this one are not contained in White Papers, nor in the conspiracies of emperors and foreign secretaries. Though he did not say it, he implied that it is not for the American people to accept one "case" or the other. It seems to us that Professor Shepherd touched here upon the point which is most worth emphasizing in regard to the reaction of American opinion to the war.

The stock assumption of all partisans appears to be that the United States should feel white and black about this conflict. To feel that way would be a great pity. It would be an abandonment of our own intellectual integrity, a failure to see as Americans, instead of as pro-Germans or as pro-Allies. To the extent that we have been blindly partisan, it has been due to our own traditional irresponsibility. We have looked upon Europe as a place apart, and taken sides as we should take sides in a game that did not affect our own interests. Our attitude might be called generous and disinterested were it not for the fact that it is due more than anything else to our unreadiness for thinking out the consequences of the war in relation to the future of America. But once we realize that with the upsetting of the equilibrium of Europe our own diplomacy is radically altered, we shall begin to discuss the war not in relation to its "moral" causes, but in relation to its realistic results. We are in no position to "judge" Europe's side or the other. What it is necessary for us to do if we are to be faithful to the human future is to try to think concretely about the effects of the struggle on shifting international relations.

What, for example, would be the effect if Germany held Belgium and reduced France to permanent weakness? What would be the effect, in the event of a victory of the Allies, of a crushing and vindictive peace? Is it possible to satisfy Germany's legitimate desires for expansion? How is the future of the Far East to be worked out in relation to the new hegemony of Japan? What would be the effect on Caribbean and South American politics of some radical change in the European Balance of Power? When the settlement of peace is made, on what terms and under what conditions, if any, should the United States become one of its signatories? How far should it go in guaranteeing the permanence of the treaties which will be made?

To some such ground as this the discussion needs to be shifted. The pain of Europe is in a large measure our pain, but if we are to act our share in a better organization of the world, we cannot afford to fill our minds with the hates and the fears, the myths and the panics which rise like deadly fumes from the battlefield. We have suffered much from the ignorance of isolation. But we can gain from that isolation a respite in which to hold our minds clean, to assure for the settlement an active and positive standing for neutral opinion.

Neutrality, as we understand it, is not a dispassionate failure to care about the war. It is an effort to think about it and act towards it as something more than the credulous follower of one of the belligerents. For just in so much as we can give to neutrality a sense of independence and of concreteness, by just so much shall we have turned our sympathy for Belgium to the service of the world.

Chivalry in Congress

DURING the recent debate on woman suffrage in Congress, several Southern representatives could hardly speak of womanhood without melting into tears. To protect woman from all temptation and danger, to keep her "from being soiled with the contest of politics and elections," seemed to be the chief inspiration of most of these gentlemen's lives. They never for a moment descended to sordid facts as to the actual place of millions of American women in industry. Such facts would disturb their oratory. One of them

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from rough work in the open world, and he paid reverence to those elegant ladies portrayed by "the great English poet, Tennyson." Much was heard of woman's God-appointed sphere. Of mere man, who appoints the sphere of garment workers, scrub-women, laundry workers, girls in shops, telephone operators, cannery workers, much less was heard. "Nature destined woman to be the home-maker." "The most sacred and potential spot on earth is the fireside shrine. I am unwilling, as a Southern man, to force upon her any burden which will distract this loving potentate from her sacred God-imposed duties. I am unwilling to force her into the vortex of politics, where her sensitiveness and her modesty will be often offended." On the sensitiveness and the modesty of American women much stress was laid, and on the corresponding chivalry of American men.

These protestations came as a significant prelude to the long speech of Mr. Bowdle of Ohio, a Northern specimen of the chivalrous man.

Mr. Bowdle is one of those Americans who delight to refer to their "sainted mother" and their "lovely, loyal wife." They assert loudly, and, as they believe, truly, the honor in which they hold woman, and sometimes, as in the case of Mr. Bowdle, they declare that "on that great day when 'God shall judge the secrets of men,' whatever other sins may arise to shame me, and they are many, no wretched Magdalen will rise in the judgment to say that I helped her down." And with all this regard for sainted mothers, loyal wives and womanhood honored at large, such men as Mr. Bowdle seem incapable of sustaining ten minutes' talk without revealing the satyr's hoof. They talk of modesty and delicacy. Their lip-service is unfailing. But because their concept of woman is lewdly physical, because they cannot speak of woman without suggesting the all-male attitude, the leer of the barrack-room and the smoking-car, their offensiveness is many times as repulsive as the outspoken attitude of men who never refer to their sainted mothers, and who pretend neither to reverence nor respect.

Mr. Bowdle considered it amusing to refer to American suffragists as "senatorial ladies who cross their limbs in political wigwams." He thought it funny to quote a woman as saying the suffragists "would make papa bear the children." He thought it telling to speak of divorced women voting with their recreant husbands "and rallying round the pay check." To direct women's attention to the millinery question and the feminine clothing question, he thought worthy of Congress. He thought it equally worthy to speak of a husband "hooking up and unhooking the gowns of the nation's chief [illegible]

speech where he ventured on observations insulting to every woman in the country he represents.

"Yes, Mr. Speaker, the women of this smart capital are beautiful—indeed, their beauty is positively disturbing to business: their feet are beautiful; their ankles are beautiful—but here I must pause." (Prolonged laughter.)

Having put his speech on this filthy level, Mr. Bowdle went on to discuss the sex limitations of women. Man's "powers in this particular," he said, "do not summon him from those external duties on which the state is founded." But "if I were to defend a man on a capital charge, and a woman were to offer herself as a juror, there are some very intimate questions that I should insist on putting to her as to her *then* condition." And following this, another transition to the facetious: "Men and women are different. They are different in every atom. Right here is where women set up a grouch. Many women resent the limitations of sex. But why quarrel with God when he has the final word? I might as well weep because I cannot gestate a child."

It was in keeping with this general tone that Mr. Bowdle began a long passage: "All history, Mr. Speaker, is nothing but the record of an affair with a woman." And he ended it with his reflections on prostitution. "We all weep too much over prostitutes. Reform for them is easy. Any one of them in any American city, desiring to reform, can wash the paint off, clean up, go to the next town, and get honest housework."

The significant thing about this speech is not, of course, Mr. Bowdle's cave-man idea of woman. There are thousands of other boors and cads with the same ignorance, insensitiveness and complacency. What is significant is that Congress enjoyed him, greeted him with applause and laughter and extended his time. Some, who knew better, took him in the mood in which men often take scurrility addressed to women as a class. A few voiced protest, but not one single representative of Southern chivalry thought it worth his while to make good the assertions of refinement and delicacy in which, earlier in the debate, they had taken such comfort and pride.

Mr. Bowdle is entitled in his private life to look upon woman as he must. But when he reveals to Congress the perverted mind of those men who cannot look upon women as citizens because they are unable to forget sex, he deserves to be understood through the country for the type of anti-suffragist he is. As a public man he does not exist. But as a type he is recognizable and detestable. For all his mouthing about the women of his own

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Objects of Charity

THE manufacturers and merchants who employ women workers may possibly think of themselves as deserving poor, but they certainly do not wish to be thought of as objects of charity. It would seem grotesque if prosperous merchants stood in the bread line or begged obsequiously of passers-by. But is there not a touch of the mendicant spirit in their attitude of opposition to the proposed minimum wage laws? These laws would compel employers to pay to the women whom they hire a wage at least sufficient barely to maintain a decent life. But such a wage, say many employers, is totally unnecessary, for the girls are supported by their fathers and mothers at home, and all they need in return for their labor is pin-money.

We stand too near this pin-money argument to appreciate its full depravity. The Stoic philosopher at Rome did not feel the horror of the gladiatorial games; the Southern gentleman closed his mind to the evils of slavery; and we to-day live in an age where industrial exploitation, which will seem infinitely hideous to our descendants, is condoned or at least judged not too harshly. But does the pin-money argument mean anything less than that the poor shall contribute to the support of the rich; that capitalists and their patrons, profiting by the labor of working girls, shall escape the cost of that labor and throw it back upon the shoulders of the girls' families? Does it not mean that under our existing wage relations the rich are pauperized by the poor?

Besides, it is not true. Investigation after investigation has shown that even girls who live at home are obliged to work to eke out the family income. The Federal Report on Women and Child Wage Laborers proved that the vast majority of women wage-earners living at home turned their whole earnings into the family budget. In New York stores and factories over five-sixths, and in Chicago and St. Louis stores and factories almost as large a proportion, put all their wages into the common fund. "In the opinion of the Commission," writes the Massachusetts Commission on Minimum Wage Boards (1912), "the number who are working in order simply to add to their comforts or luxuries is insignificant. Women in general are working because of dire necessity, and in most cases the combined income of the family is not more than adequate to meet the family's cost of living. In these cases it is not optional with the woman to decline low-paid employment. Every dollar added to the family income is needed to lighten the burden which the rest are carrying." Nine are working because they must. Where, as is usual, the girl gives most or all of her wages to her parents, she could not do more than her share, for her wages hardly suffice for food, clothing, shelter, carfare, medicine and a little recreation. But not all working women have even this advantage. Many belong to broken families, where the husband or father is dead, sick or disabled by accident, and in these cases the burden on the woman is overwhelming. Outside the home there is the girl living alone, the country girl in the city, the immigrant girl, the orphan; these are supposed to live on a wage which will barely suffice for the girl who needs only pin-money. Could anything be more immoral or more stupid? How long will society continue to pay the cost of these absurd pin-money wages in the lessened health and lowered morale of the workers, in prostitution, pauperism and degradation?

Conservation in Water Power

THE undeveloped water powers that belong to the government are of two classes—those on the public domain where the government owns the full title, and those upon the navigable streams where the title to the land is held by private individuals and the power of the government lies in its control of navigation. Last summer the House of Representatives passed bills providing for the development of both these classes. The Ferris bill dealt with the water powers on the public domain, and the Adamson bill with water powers on the navigable streams.

No one has ever questioned the right of the national government to make such conditions as it sees fit for the development by private capital of water powers on the public lands, but a long fight has been waged over the government's right to regulate the use of the water powers upon navigable streams. Until 1909 it was customary to grant perpetual franchises to private companies, subject only to the general restriction that the company should furnish at its own expense all locks or necessary aids to navigation. But President Roosevelt adopted a contrary policy. He vetoed a number of such special bills, because they did not provide for compensation to the government and did not properly protect the public interest. President Taft continued the same practice. As a consequence there has been no new development of the water powers on navigable streams during the last six years.

Against this policy of conserving the public [illegible] the water power interests have always pro-

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pensation and that its sole interest was to protect navigation. In an elaborate brief, which was printed as a Senate document, Mr. Rome G. Brown, chief attorney for the water power companies, argued that the water powers on navigable streams were the private property of the riparian owners subject only to the laws of the state in which they were located, and to the Federal law for the sole purpose of preserving navigation. The Federal Supreme Court, however, recently decided in the Chandler-Dunbar case that the Federal government could legally exercise full control of water powers on such navigable streams.

As first reported to the House by the committee, the Adamson bill was based on the old theory of private ownership and of state rights. But after a sharp fight on the floor of the House the committee was overturned and the bill was practically rewritten by a series of amendments. As finally passed it contained practically the same provisions as did the Ferris bill. It provided for compensation to the Federal government and limited the franchise to fifty years, at the end of which term the government might take over the property or might renew the grant or transfer it to new lessees. The price at which the government might take over the property was carefully limited to the actual costs of land and rights of way, thereby reserving to the public all increment in the value of the land. It further provided for publicity of all accounts by the companies. Because of these changes, the Ferris bill, like the Adamson bill, was a true conservation measure. Both bills protected the public interest while permitting the legitimate development of water power.

The Senate has not yet acted upon either bill. The Ferris bill is still in the committee of Public Lands. The committee on Commerce has reported the Adamson bill with an amendment, which substitutes an entirely new bill, which is practically the same as that introduced some time ago by Senator Shields of Tennessee. But the Shields bill is exactly what the water companies have always asked for. Possessing none of the important conservation features adopted by the House, it is based on the old theory of private ownership and state rights. Apparently the Senate committee prefers to take its view of the public rights in water powers on navigable streams from the water power attorneys rather than from the Supreme Court of the United States.

The Shields bill does not even give proper protection to navigation. It provides only that the private companies shall make the navigation facilities as good as those which existed at the time the dam was built. Since dams, however, are always

It is difficult to believe that the Senate will actually pass the Shields bill, and if it does it is almost certain that the House will not accept it. The House, having put itself on record by a very large majority in favor of the Adamson bill, is not likely to stultify itself by passing a law based on an exactly opposite theory. The result probably will be no legislation at all at this session. Nor is this entirely displeasing to the water power people. Apparently they prefer no legislation at all to the passage of the Ferris and Adamson bills. On the other hand the conservationists would prefer no legislation to the passage of the Shields bill. The water power fight is largely therefore a drawn battle as far as legislation at this session is concerned.

In the end the delay may be to the public advantage. While the conservationists would like to see both bills enacted as they passed the House, it is possible that even better legislation will result in the end. Both bills are long steps in the right direction, but they are far from ideal. All the water power over which the government has any control should as far as possible be developed under the same law, and all should be controlled by one department. A division of jurisdiction between the Interior and the War Departments is artificial. Moreover, Cabinet members who change with each new administration are not the best Federal officers to regulate the development and use of water powers. There ought therefore to be created an independent bureau of the government, like the Interstate Commerce Commission, to which could be entrusted the whole subject of the public interest in the waterways of the country. Such a bureau, under general rules laid down by Congress, should have a wide discretion over the development of navigation and of power.

The New
REPUBLIC
A Journal of Opinion

PUBLISHED WEEKLY AND COPYRIGHT, 1915, IN THE UNITED STATES OF AMERICA BY THE REPUBLIC PUBLISHING COMPANY, INC., 421 WEST TWENTY-FIRST STREET, NEW YORK, N. Y. HERBERT CROLY, PRESIDENT. ROBERT HALLOWELL, TREASURER.

EDITORS

HERBERT CROLY WALTER LIPPMANN
PHILIP LITTELL FRANCIS HACKETT
WALTER E. WEYL CHARLOTTE RUDYARD

YEARLY SUBSCRIPTION, FIFTY-TWO ISSUES, FOUR DOLLARS IN ADVANCE. SINGLE COPIES TEN CENTS. CANADIAN SUBSCRIPTION FOUR DOLLARS AND FIFTY CENTS PER YEAR IN ADVANCE. FOREIGN SUBSCRIPTIONS FOR COUNTRIES IN THE POSTAL UNION, FIVE DOLLARS PER YEAR IN ADVANCE.

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"Kultur"

A BRILLIANT reactionary thinker said the other day, in the columns of a French Catholic newspaper, that the Germans are fighting in this war for the ideals of the Revolution. This arresting paradox has its element of truth. The German national gospel has little in common with the impulse which started the French Revolution, but it has revived some of the notions which inspired its later phases. It is equally impatient in face of the facts of race and nationality, and, though it does not dream of human perfectibility, it is Napoleonic in its belief that human nature is raw material which can be organized indefinitely by the paternal state, the schoolmaster, and the drill-sergeant. Two words recur so frequently in the polemics of the Germans and the Allies that they have acquired the significance of battle-standards. "Kultur" and "nationality" have come to be the things for which all the combatants in this confused war believe themselves to be fighting. Thus German emphasis on culture, or civilization—for neither word is quite an adequate translation—makes an instinctive appeal to liberal minds. It conveys the belief that the real things which unite men are ideas, rather than the animal tie of race. It embodies the natural habit of thought of a nation which is led by its professors and its scientists, and whose working class is permeated, as no other is, by the doctrines of social democracy. It blends easily with the idealism of modern civilized men, who have realized for a generation that the fundamental problems of social structure, the relations of capital to labor, and of men to women, are the same in all developed countries. It fits as well the harsher realism of those who see as the central fact of modern life the diffusion by commerce of an industrial civilization over the half-exploited regions of the earth.

But we have not yet translated "Kultur." It is far from meaning a spontaneous identity in thought across the divisions made by race and history. It is not the spiritual unity of a Catholic Church, nor is it the superpersonal culture which Shelley divined when he sang,

> "Greece and her foundations are
> Built above the tide of war."

It is not even in most contexts the unity of thought of which educated men from New York and Berlin are aware when they meet. It is rather the bond which unites the Prussian and the Bava- [illegible] and the Westphalian. It is in- and the factory, the law-court and the school. It is centralized culture, a system of civilization. It may be diffused by conquest or injured by defeat. It is affected by the prestige of the nation which professes it. Its dream of becoming a universal culture is dangerously blended with that other dream of world dominion. "Kultur" has a certain distinction among national ideals. It is not tied down to a crude basis of physiology, as Pan-Slavism is, nor yet to an old-world religious belief, as the "truly Russian" patriotism is. It may be stated in universal terms; it is a system of ideas. But it has narrowed itself by its over-emphasis of the state's function. It dwells to excess on the external unity of regimentation in one framework of laws and institutions. It has derived from these coarser elements its belief in force, and its steam-roller intolerance towards Danes and Poles and Alsatians. Its triumph is the unification of Germany. Its promising and half-completed wish was the construction of modern Austria. It is breaking to-day in Belgium on its own inability to understand the significance of nationality.

The Allies have waved the opposing flag of nationality against the German ideal of "Kultur." They hold a purely opportunist position. There is indeed a strong vein of sentimental nationalism among English Liberals. It was not strong enough to resist the annexation of the Boer republics, nor the permanent occupation of Egypt, nor the iniquitous partition of Persia. It made its unavailing protests against the conclusion of an alliance with Russia at the moment when she was destroying the national existence of Finland. It is uncomfortably aware, amid the partisan silence of war-time, that the bringing of non-Russian Slavs under Russian rule will be an ironical application of the principle of nationality. It has not quite forgotten that the Servians are holding down a conquered population in Macedonia with all the brutalities of martial law. It realizes, when it pauses to reflect, the difficulties of the future, when the Pan-Slavist ideal of nationality, which is so intimately bound up with Greek orthodoxy, comes into clash with the Jews and Catholics of Galicia and the Armenians of Asia Minor. But of Russia and the East it thinks no oftener than it is obliged. By its pursuit of the principle of nationality in this war, British Liberalism means primarily the liberation of Alsace-Lorraine and the restoration of Belgian independence. These are, both of

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the anarchic ideal of independent and unlimited nationality. One knows too well the horrors and confusions which that ideal has wrought in the Balkans to be greatly enamored of it. The British press, indeed, incessantly urges the Balkan peoples to sacrifice some part of their independence by creating a Balkan Federation. The notion which dominated Europe in the generation of Mazzini and Kossuth, that the expression of nationality in a state organization within guarded frontiers under a flag has any supreme positive value, has ceased indeed to attract modern minds. What English Liberals mean by their enthusiasm for nationality and their idealization of little nations is to-day little more than a dislike of violence, intolerance, and coercion. No one seriously thinks that a minor race or a little people contributes anything of inordinate value to the universe by maintaining a jealous identity and cultivating a political individualism. But it is an intolerable evil that a little nation should be overrun by brute force, or that a racial minority should suffer constraint in the use of its own language or the cult of its historical religion. The positive value of nationality is no longer political. Politics in all modern states turn on questions of class and social organization. Race and nationality are nothing but a nuisance and a hindrance when they cut across the more fruitful lines of controversy. The positive worth of nationality lies to-day rather in the intangible and ideal world of literature and tradition. A frontier is less essential to it than a language.

The plain fact is that the Allies, though this war has made them the champions of nationality, have in reality advanced far beyond the ideals of 1848. They object to any brutal infraction of the rights of nationality—more especially by Germans. But they are making a world in which nationality must come to terms with "Kultur." The reconciliation must be sought by the elimination of the element of forcible regimentation from the German ideal. We hardly see as yet the dilemma into which our championship of Belgian nationality has driven us. Sir Edward Grey said that Belgian independence would be gone if Belgian neutrality could be violated with impunity by German arms. He spoke truly, but it is also true that Belgian independence is gone when it must be vindicated by British arms. Belgium has become, however kindly, however chivalrous the relation may be, a dependent of the Franco-British alliance. Her internal autonomy may be as secure as the independence of a British colony, but her security, her African possessions, her foreign policy, depend inexorably henceforth on the good-will of London a minor ally, moreover, of Britain and France. From the moment that the conflict between Germany and the Western Powers became acute in 1906, Belgium had to choose which diplomatic orbit she would enter. Independence, after Europe had become an armed camp, became for nearly all the minor European states an impossible ideal. Sweden must lean for support against Russia upon Germany; Servia clings to Russia, and Portugal to Britain. One may go further. The Great Powers themselves must sacrifice something of their independence to their alliances. The pursuit of a balance of power and the interpenetration of cosmopolitan finance have made the nationalism of 1848 as remote and as obsolete as the individualism of the Manchester school. A little nation which owes its survival to the British navy, the Russian army, and the French banks, is no longer an independent state, though it may still retain its individual traditions.

This conflict of ideals can have no satisfactory solution by the triumph of either. Isolated nationality has been wrecked by the development and rivalry of great empires. German "Kultur" lost its chance of leadership, its dream of unifying alien races, by its reliance upon force and its Bismarckian tradition of brutality. There is a promise of security and justice for all states, small or great, only by a forward step towards a genuine federation. It may turn out that this war will figure in history as a struggle which secured the unity of a continent as literally as did the American war between North and South. We must somehow recover the truth which the French Revolution and the German ideal of "Kultur" have both emphasized, that men are united more truly by ideas than by race. But we shall reach this finer civilization only when the jealous instinct of race is secure against violence and intimidation.

London. H. N. BRAILSFORD.

Equality

LAST evening I happened by accident upon a strange coming together of the ends of New York. Seated on couches and chairs in the spacious, unpretentious drawing-room were unemployed men, recruited from the bread line and the lodging-houses. These unemployed—there were some thirty of them—were the guests of men and women prominent in the city government and in social reform. They had been called in to give their advice to experts, to explain how relief work should be organized, to discuss the infinitely complex problem of unemployment. It

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harassed men, who knew how unemployment hurts, and I took pride in city officials willing to study in such a book.

As I listened to these unemployed, as I heard these famished wanderers tell of the monotonous horrors of their life, of trudging night after night through cold empty streets, of sleeping amid vermin on foul lodging-house floors or on chairs in the stench of low saloons, of deprivation, of degradation, of despair, I felt infinitely abased. I looked about me at the well-clad solicitous men and women who had come to meet them, and in their faces read the same shame that I found in my own heart, the same leaden guilt of living in such a world. But for the happy bulwark of circumstance they too might have sunk into the abyss and joined this despised regiment, useless because unused. What could the fed say to the unfed? What hope could they extend? What did their slow plans for social regeneration mean to wretches whose life would be crushed out long before such plans could mature?

Only the unemployed were without constraint, for they had the tragic dignity of hopelessness. They stood up boldly, spoke not unwisely, and showed no humility, before men who might have housed and fed them for months without noticing the cost. It struck me suddenly that these unemployed men, being Americans, possessed more self-assurance than Englishmen or Germans in like cases would have possessed. These wanderers, despised even by pickpockets, held the stubborn conviction that after all they were human beings and citizens, equal to the others in all respects except the accident of money.

Of course they were not equal, if that word means anything. They had not the health, the vigor, the firm intellectual grasp. They could not reason a thing out; they were too obsessed by the sordid trifles that had become their life. Some were weak because they had grown up in an evil environment; some, no doubt, were handicapped before birth by a fatal heredity. What does equality mean when men are as unequal as these? What equality could exist between us, who sat apart, secure and fed, and these friendless unemployed, soon to be let out again upon the street, soon to be redelivered to the life that skirts the land of beggary and crime.

We tried desperately to be equal; it was the least we could do. Were we not all men and brothers? We used the title "brother" as men do when in the absence of all social bonds they appeal to the last shred, our common humanity. But though our will was excellent, though we were all separated. The unemployed were addressed as "you fellows," "friends," "boys," but the title "gentlemen," which is in vogue in almost every section, was not used. Could it have been used without derision? Is a man a gentleman with whom society deals so ungently? To use that term of equality to one whom you can save from slow starvation or permit to starve, whom you can raise by a nod or condemn to misery is to mock him, as though you offered a flask of perfume to a wretch dying of hunger.

There can be no equality, nor any approach to equality, except among men economically independent and economically comparable. You may talk of equality and fraternity, of equal civil rights, of equal political rights, of the brotherhood of man and all the rest, but unless your man has a secure economic position, a chance to earn his living in dignity and honor, he has no rights whatsoever. Political equality is a farce and a peril unless there is at least some measure of economic equality. What does it avail the poor devil trudging the streets without a chance of bed or breakfast, that he is an equal American citizen with a vote? For what or whom shall he vote? What interest has he in all our fine political schemes, in economy and efficiency, in democracy and progress, when he himself after election as before is without a job and hungry? If such a man sell his political influence for whatever he can get, who is there to blame him?

We shall not advance far in working out our American ideals without striking hard at this inequality which has grown with the growth of society and which produces insane fortunes at the top and destitution at the bottom. When we talk of inequality, we mean inequality of possessions, inequality of income, inequality of industrial opportunity. It is not an easy task to eradicate this inequality, nor is it one which can be solved in a year or a decade, for the evil is rooted in complex conditions and in strong human instincts, and some of it is an inevitable result of quite healthy economic processes. Inequality, even in its worst manifestations, will last long, for the very reason that it means political inequality, for the very reason that the man of great fortune is the controller of other men's lives and other men's opinions and votes, and that those who have absolutely nothing join with those who have too much. The road to equality is difficult and long. We shall not even approach our goal without a national understanding of this problem, nor without radical economic readjustments, which shall prevent excessive private accumulation at its source, and give to men at the bottom of society the economic as well as

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The Tug-of-War in Ireland

"IRELAND," said a distinguished Irishman the other day, "is preparing either to flare up in a last melancholy splendor or to begin an absolutely new era; and God only knows which." There are at present three more or less armed parties struggling for the mastery of Ireland's destiny. The Home Rulers are struggling for it with the help of the National Volunteers, the Separatists with the Irish Volunteers, and the Unionists with the Ulster Volunteers. It would not be too much to say that the Germans also are taking part in the struggle with the German army.

It is all the more surprising to see Ireland in such apparent danger of being torn to pieces, considering that on the great question of the day there is comparatively little difference of opinion among the Irish people. I do not wish to underestimate the strength of the party which sides with Germany, or, to put it more accurately, sides against England in the present war. I do not think, however, that anyone will challenge the statement that it could not win a single seat if an election took place in Ireland to-morrow. Not that it is a party consisting exclusively of cranks and "soreheads," as Mr. Redmond and his press are never weary of suggesting. It is a party which both in its leaders and in its rank and file is at least as rich in single-minded idealism and devotion to Ireland as Mr. Redmond's own. But it has failed so far to capture the imagination of the people because it has presented while marching—under ambiguous banners—the banner of the love of Ireland side by side with the banner of the hatred of England. It contains, on the one hand, most but not all of those who believe in Ireland's right to be as independent as the United States of America, and therefore to be as neutral as the United States of America in a war like the present. On the other hand it contains many whose creed may be most effectually summed up in the words of a young Nationalist leader who wrote the other day: "If England had declared war on hell, I would be a pro-devil."

Not all of its members are pro-German, however; not all of them are even Separatists. Some of them do not go beyond being pro-Irish. They declare that this is not Ireland's war, and that Irishmen should not shed their blood either for the sake of England or for the sake of Germany. They insist that Ireland has already contributed far more than her share of fighting men to the British army, and, whether by enlistment or by blood for England. Consequently, the Ulster every sort of reason as well as of unreason on their side. Their attitude may be explained in some measure as a protest against the extremely imperialistic character which Mr. Redmond's nationalism has assumed in recent years. There would to my mind be plenty of room for a party on lines of this sort if it were not compromised by an element of pro-Germanism, and by an almost incredible absence of sympathy with the sufferings of Belgium.

What Ireland wants most of all at the present moment amid her unhappy divisions is unification, unification, and again unification. King George has signed a Home Rule bill which, with all its faults, concedes a greater measure of liberty to Ireland than she has possessed for many centuries. But the bill was passed on the strict understanding that if the Ulster people still wish it after the war, another bill will follow excluding from its operation, at least temporarily, the Unionist counties of Ulster. The Nationalists are almost to a man opposed to this partition of Ireland; their quarrel is concerned with the means of preventing it. Mr. Redmond believes that if Ireland rallies in regiments to the cause of the Allies in the present war, it may move the heart of England, if not the heart of Ulster, and so bring about a settlement in Ireland's favor. His opponents among the Nationalists, on the other hand, contend that the only way to get justice from England is to take it, and that the only way to take it is with an army of volunteers, and that therefore it is to Ireland's interest that England should emerge from the war, not strong and triumphant, but weak and in a mood to come to terms. It is just possible that in the end the intransigeant party will strengthen Mr. Redmond's hands. It is essentially a De Wet party, and it forces Mr. Redmond into useful prominence as an Irish Botha. The more he is attacked in Nationalist Ireland, the more he will come to be regarded as a reasonable human being, not only in England but in Ulster. That is England's and Ulster's way. At the same time, Ulster is as yet far from being won. She has entered into the war with the same enthusiasm as Mr. Redmond, but she has entered into it largely in order to defeat Mr. Redmond. She believes that she can buy an Orange victory by shedding her blood for England, just as Mr. Redmond believes that Ireland can buy a Nationalist victory by shedding her

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Germans, loses no opportunity of belittling the sacrifices Ireland is making in the war.

There has been no better anti-recruiting literature in Ireland than the Ulster Unionist papers. They call on the Irish to enlist, and yet they cannot conceal their pleasure when the Irish hold back. They really want the British army for themselves. They regard it as a significantly anti-Irish institution and pray that it may long remain so. Sir George Richardson, the commander-in-chief of the Ulster Volunteer force, in urging his men recently to volunteer for service on the Continent, did so on the ground that the army came to the rescue of the Ulster Unionists a few months ago on the occasion of the quasi-mutiny at the Curragh, and that after the war it could be trusted to come to their help again. "If any man found himself wavering," he said, "let him try and recollect the events of March last, and what the army and navy did for Ulster. They came to the help of Ulster in the day of trouble and they would come again. It is now the Volunteers' opportunity to show them their gratitude and support them to the last man." If there is any conciliation going on in Ireland just now, it is certainly not the Ulster Unionists who are holding out the olive branch.

Statesmanship on the part of the Nationalists may nevertheless accomplish wonders. Had Ireland a Cavour at the present moment, one fancies he might find some means of winning over most of the extreme men both on the Nationalist and the Unionist side to a war policy based upon the necessity of giving Home Rule a trial. But Mr. Redmond, moderate though he be in speech and temper, is the leader of a party rather than of a nation of many parties. He makes his appeal to the British Liberal rather than to Irishmen of all creeds and politics. He is dignified and persuasive rather than sympathetic. On the outbreak of the war, he seemed for a moment to have won over to his side the British Conservatives as well as the British Liberals. When he rose in the House of Commons and promised the sympathy of Ireland for the cause of the Allies, old Tory squires, who had always believed in their hearts that he was the arch-fiend and in the pay of England's enemies, were prepared to embrace him in their astonished enthusiasm. If they had only been as generous as they were sentimental at that moment, Ireland—I mean average Ireland—was readier then to shake hands with England than she has been for a hundred years. When it was seen, however, that the Tories were throwing their arms round Mr. Redmond not merely in order to protest their love but with the object of picking the Home Rule bill out of his pocket while he was emotionally occupied, saying in effect, "by all becoming Unionists till the war is over."

The Government shillyshallied, and for a time it was not clear, in spite of the firm attitude of the Liberal press, whether or not the war was going to be allowed to be used to bring about the defeat of Home Rule. In the end the Home Rule bill was put on the statute book, but only after repeated postponements and hangings-back that deprived the deed of any appearance of graciousness. Scarcely was it passed when Mr. Bonar Law, as Conservative leader in the House of Commons, went over to Ulster in order to announce the intention of his party to treat the new act as a "scrap of paper" when the war was finished. Following this came incident after incident which spread the idea among the Irish people that England was still the old England and as contemptuous as ever of the Irish except as so much food for powder. The appeal to Irishmen to enlist was addressed to them not as men of the Irish nation, but as inhabitants of an English province. The concession of the right to form a distinctive Irish division in the new army was as dilatory as the concession of Home Rule, though the Ulstermen had been granted all sorts of privileges. When a number of Irish ladies wished to present colors to the new division, the War Office stepped in with a prohibition. All this is symbolic of the hopeless unintelligence with which Ireland has been treated in recent months. It has done far more than has yet been realized to undermine Irish belief in the good faith of England, to convert active enthusiasm into what may be called passive enthusiasm, and even to increase the pro-German party in Ireland.

The England which is the cause of pro-Germanism in Ireland is the England which Irishmen hold responsible—though Englishmen have themselves disowned it—for the shooting down of Irishmen and women in the streets of Dublin during last summer. To Irishmen, Bachelor's Walk, where the incident occurred, is infinitely nearer and more real than Zabern. There are rumors at present that the pro-Germans are shortly to be "suppressed" in Ireland, and the Defence of the Realm act, which has just been passed, seems to be specially directed against them so far as regards its provision for trying civilians in certain cases by court martial instead of by jury. The introduction of coercion on the eve of Home Rule would be a fatal step, and would more than probably result in bloodshed. England, having condoned in Ulster the pro-Germanism which helped to bring the war about, has no moral case for proceeding against pro-Germanism in the south which may injure

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blunder, let Mr. Redmond blunder, and Ireland may go reeling back for another generation into the wilderness from which she is just emerging. Let them recognize the fact that Irishmen cannot forget history in a night, and let them make it clear that this war on behalf of the little nations is a generous war on behalf of the Irish nation as well as of the Belgian nation, and there will be as little pro-Germanism left in Ireland as there is in Belgium itself.

ROBERT LYND.

Provençal Verse of Henri Fabre

The Blacksmith

"BLACKER than a mole, from soot and grime, *pin-pan, pin-pan, pin-pan!* the blacksmith hammers his shoe on the ringing anvil. The shop is filled with a mighty cascading of lights and sparks. It is as if a young serpent were being fused under the hammer. *Pin-pan, pin-pan, pin-pan!* On the smith's brows, thickened into hard earthy tufts, a burning shower rains down; and now and then you hear his bushy beard sizzle. He sweats, the dusky blacksmith, as he strikes his hot iron. *Pin-pan, pin-pan, pin-pan!* Ink flows and rolls in drops down his knotty arms, from his burnt cheeks and his forehead, on to his breast, shaggy as a horsehair trunk. What will such violent work accomplish? What will this hell bring forth? *Pin-pan, pin-pan, pin-pan!* The thing is finished. What is it? Just a piece of iron to shoe the hoof of a ragged ass, devoured by vermin, and worn bare in patches by the scab.

"I, too, by honest trade am a smith; on paper, *cri-cra, cri-cra, cri-cra!* I hammer thought. My pen strikes blows on the page, and in my brain shines the fire of the glowing forge. And I toil and moil, drunk, overwhelmed with my idea. *Cri-cra, cri-cra, cri-cra!* My pen isn't dipped in mere ink—to my mind that's not enough; it's pierced with a bleeding fragment of my soul. You understand, good fellow worker, how this strains the thighs and head? *Cri-cra, cri-cra, cri-cra!* The mad dance in the brain of the idea that seeks to burst out of its shell. Your forge has no such power to wear out the marrow.

"For I have an ass of my own, more mangy, more bald than yours. *Cri-cra, cri-cra, cri-cra!* The page grows black as I write, to save the brute from the pest that devours him. His scab is ignorance, and even that's not all. He's ignorant, my braying ass, and in his eye there's a wart, tough, thick, venomous, which eats in deep below the surface. He must be cured and quickly—I must kindle a light for his blindness. Although the job doesn't always bring in a crust of bread, it's worth while, isn't it, my sooty friend? Let's persist each in his place to hammer away, I striking *cri-cra* for my [illegible]

The Frogs

"AT night, when the moon shines full on the marsh and its reeds, when the willows spin snowy threads over the heads of the narcissus, what are you gossiping about, you frogs, in the month of April, as your breasts take the cool of the sedgy stream? Loose bellies like wrinkled pendant figs, skulls flattened into shells that have scarce any brains for meat; greenlings, toothless muzzles, what are you croaking there, now that the sparrow of the willows is asleep?"

"Breck-kek-koex," reply the frogs, "what are we gossiping about in the marshes? Go ask that, simpleton, of the stickleback nosing among the watercress. The charmer wears a collar of mother-of-pearl, and carries a sword at his side. They'll tell you the answer, our neighbors of both sexes—the dragon-fly of the spring, the minnow scaled with silver and sashed in crimson; the water-beetle, a pearl that swims in a circle, spins round and round and dives out of sight.

"The whiskered loach will tell you. The poor dear, dressed in mourning, has decided to-day to put around her neck, under her little pointed beard, three or four rows of jet chain. It's nothing, mere smoke, and yet it's becoming. A humble necklace, the jet of the wretched little thing! Then go to the bramble patch to see the lizard, when the good beast, drunk with heat, stretches his spine in the sun. For ornament, he, the magnificent, has put on the mantle of a king. Ah, my friends, what a spine—made of pearls! No, never did the fairies broider anything so marvelous. For train to this royal mantle comes a voluminous tail that rustles behind him as he goes!

"It's beyond belief! Now, if you please, listen there behind the flowering hawthorns on the edge of the road to the brown violinist of the sod. Master Cricket, scraping his wing, is shrilling out a quaver that carries far into the distance. Hark, too, to the humming of the bees, the droning of the brilliant water-beetles, the thin whistle of the red mosquitoes—hear the twittering of the birds. The titmouse, wet by the tearful dawn, chirps as she visits the flowers.

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add. It's April's feast, the feast of all living things, and we, brides and bridegrooms of the great world's weddings, are making ourselves fair putting on jewels and ribbons. Then, in ecstasy, we sing, we gossip, we whistle."

The Toad

"O PHILOSOPHER of the mire, you who drag your belly from one tuft of broom to the next, and in the shade scratch your jaundiced skin with your foot! O bloated and slimy toad, we are at leisure, now that the afternoon draws on; so, between friends, let's have a bit of talk. Tell me what you have in your flattened skull. They say that long ago Plato, a master of speech, took pleasure at his evening board in questioning his guests over a flagon of old wine. Cup in hand, at every pause, the learned company discussed the Beautiful, the Good and the True of things. Let's do likewise. What is the Beautiful?"

"For me the Beautiful is my lady toad. Nothing under the canopy of the sky can equal her when in spring she has donned her yellow apron and white bib. No, nothing can rival her puffy breast, and her plump legs which are modeled, you'd say, by the hands of a fairy. To see her an instant at night, by the light of the stars, I, her poor lover, come out softly from my burrow, and with a circle of coals I light my eyeballs. It's not enough to admire her from afar. My timid breast dares, in a hoarse croak, invite my superb mistress to the cabin of my flat stone."

"Let's go on. The Good—what is that to you?"

"To me the Good is the cockroach. Richly fat, it has the merit, without intoxicating me, of giving me a rare feast. It's a dainty morsel for the stomach—tickling so gently all the places that hunger sets itching, and gliding deliciously into the paunch. Good, too, is the black cricket, whom I meet outside his hole. Good, too, when he flies at twilight, the dung-beetle who gives out a musk fragrance. I'm not one of your squeamish folk, I can make a feast with the riff-raff of wood-lice who season themselves in the saltpetre sweated by old walls."

"So far, so good. And then, what is the True? What do you think of that in your flat pate?"

"I don't think of it at all. All the same, I'll tell you a saying I had from an old codger who had seen his share of the world. 'For what doesn't concern us,' said he, 'don't let's break our heads, because to smell further than your nose is bad for toads. Young fellow, it's a curse!' Do you smell further, my friend of the bearded chin and pale face? To dine well, to sleep well, you have the Beautiful, your toad, you have the Good, your would say, 'Who is that man who has everything and yet complains?' "

"Listen, good toad. There's no doubt that on dark days when I'm out of sorts with the world I'm jealous of your wisdom. You have the blessed simplicity of the beast that carouses, courts, and nests stretched out in the cool mud or the warm straw. You have bold ignorance, tranquil indifference to everything but your pleasures, you never ask what so fatigues—and alack! so wears us out to find. Under your flagstone Truth never shines. What do you care for the True and the reason for things? That sun isn't yours; if the warmth of the other is shed for you, toad, as it is for me, the sun of Truth shines and gleams only for man. The dung-beetle and the cricket are your food. Of Truth, more than of bread, unless he be mere toad, man makes his food."

(*Oubreto Prouvençalo doú Félibre di Tavan: Provençal Trifles, by the Poet of the Insects.*)

Translated by ELIZABETH SHEPLEY SERGEANT.

Round About Treitschke

IT is the fashion to link Nietzsche and Treitschke together—in the main, perhaps, because both names are difficult to pronounce, and therefore somewhat sinister in association. They sound gloomy and unfriendly; both arouse in English-speaking people some initial prejudice. Thus a name like Namur or Maubeuge may conjure up a pleasant landscape, but to most of us the sun never shines at Czenstochowa, and we perceive no vivid difference between Czenstochowa and Skierniewice. It is undoubtedly a sign of our ignorance and provincialism.

Between Nietzsche and Treitschke there are, however, profound differences which do not disappear because both men would have been equally unpopular on the Chautauqua circuit. They were contemporaries, but between the Prussian professor and the Basle philologist there was never any exchange of courtesies. A mutual friend, named Overbeck, wrote to Treitschke saying, "I am sure that you will discern in these contemplations of Nietzsche's the most profound, the most serious, the most instinctive devotion to German greatness." Treitschke didn't discern anything of the kind. Overbeck tried again: "It is Nietzsche, my suffering friend, of whom I will and above all must talk to you." This was more than Treitschke's nerves could endure. "Your Basle," he replied, "is a boudoir from which German culture is insulted."

Treitschke was right. Insults to German culture

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the German spirit." When Metz capitulated in 1870, Nietzsche was in the little Prussian town of Naumburg and he saw the frenzy which the victory brought. He wrote to Gersdorff: "I fear that we shall have to pay for our marvelous national victories at a price to which I, for my part, will never consent. In confidence, I am of the opinion that modern Prussia is a power highly dangerous to culture." Nietzsche would have been unable to express his contempt for a statement like Treitschke's that "the most daring thoughts about the highest problems which trouble mankind are uttered by Germans." Nietzsche, in fact, wrote toward the end of his life "At the Court of Prussia I fear that Herr von Treitschke is regarded as deep."

But Nietzsche did something much more incisive than this. He pointed to the sources of that crookedness of vision of which Treitschke is only a conspicuous example. Writing of Hegel's philosophy of history, Nietzsche says: "Such a mode of contemplation has accustomed Germans to speak of the 'World-process' and to justify their own age as the necessary result of this 'World-process'; it has also raised history to the exclusively sovereign power . . . under the supposition that it is the 'self-realizing power,' 'the dialectic of the spirit of the nations,' and 'the final court of appeal.' History thus interpreted according to the teachings of Hegel has been sarcastically called 'the perambulation of God upon the earth.'"

Had the Germans taken Nietzsche's advice and set out to "learn to think unhistorically," they might not have saved themselves this war, but they would not have exasperated the neutral opinion of mankind. It is the historical presumption of German apologetics which has turned so much of the world's intellect against the German empire. For there is nothing so dehumanizing as the attempt to deal with contemporary life as if it were the pageant of history. There is no nonsense you will not believe if you can once intoxicate yourself into believing that you are a figure in history and that your acts are the material for future historians. Nothing is so conducive to strutting, to theatricality, bombast and criminal romance as dogmatism about historical destiny, historical mission, and all the other humbug of a self-selected chosen people.

The historical imagination applied to contemporary life is one of the ultimate pitfalls of the intellect. It treats the living as indistinguishable from the dead, and both only as figures silhouetted in contemplation. All the real choice, pain, decision, struggle, are nullified and insulted when looked at as part of history. The historical point of view is one of the antidotes to living, one of the great monasteries erected in the nineteenth century. You cannot tell what ought to be by looking at

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He manipulates nations as a child toys with his lead soldiers, admiring the big ones, the finely colored ones, the ones that form pretty patterns. He has a kind of Olympian levity about individual fate. He thinks in big, rounded epochs, "Kulturs," in dramas on a world scale. But what it is all good for, except to the historical imagination, he never seems to have inquired.

There is one contemporary journalist in America who has this kind of historical imagination in a very considerable degree. He is Mr. Frank H. Simonds. Mr. Simonds writes of war in a nice clean way, as if it were some fine parade at the Hippodrome. He writes of it with the same deodorized detachment that you find in school-book accounts of the Napoleonic wars. You know perfectly well that war isn't in the least as Mr. Simonds describes it, that it isn't the finely joined, nicely composed, intellectually satisfying spectacle he makes it out to be. All this is only a design he weaves into it by treating the armies as if they were mannikins on a map. He shows us no faces, but he gives us the drum and fife, and when human nature enters his discussions, it enters in some historically certified form like courage, patriotism, sentiment. It is instructive to read Mr. Simonds, because he makes it all so simple and so unfeeling, but our complacency might be shaken if we thought that he was going to try to write about American affairs as if they too were happening a hundred years ago in a history book. He has helped us all to understand the great war by serving it up in the form we know from childhood. But the same quality of historical thinking employed by a statesman in power would be infinitely dangerous and misleading.

No one can read an Englishman like Cramb, or Prussians like Treitschke, von Bülow, Bethmann-Hollweg, Münsterberg, Dernburg, even the Kaiser himself, without feeling the effect of history taken too seriously, too uncritically, too emotionally. The curious and irritating inhumanity of so many of their judgments is due, more than anything else, to their being victims of nineteenth century historical learning. For a penetrating analysis of its dangers, nothing better has been done than the paper of Professor Morris Cohen called "History versus Value," which is published in the *Journal of Philosophy, Psychology and Scientific Methods* for December 17, 1914. Professor Cohen shows how in one field of learning after another, in economics, jurisprudence, politics, ethics, religion and philosophy, the attempt to use the history of a thing to determine its value, breaks down and distorts ideas.

America by studying its history. This in essence is what the historicists—an awkward name for awkward people—are trying to do. When they are eloquent and handsome as Treitschke was, when they conform unconsciously to social necessities, their romantic history becomes a kind of national religion and an immense spur to the will. In that intoxication men soon cease to care for facts; the only facts recognized are the ones which serve the great purpose. Our history teachers, for example, never seem able to convey very vividly the information that in the War of 1812 the British burned Washington. History, which has unquestionable value as a liberator of the mind, as a leavening and maturing influence, can all too easily be erected by the historicist into a mystical patriotism, a foolish exaltation, a chromo view of life from which flow all manner of monstrous ideas.

Robert Burns

BURNS is the last poet in our tradition who made poetry out of his own Works and Days. He finds a poem when his plowshare turns up a daisy's root or a mouse's nest, when Mailie, his sheep, comes to meet him, when he sits down to blackguard his neighbor, when he goes to a penny dance and gives his attention to Eliza or Jean or Nancy. "Leeze me on rhyme!" The wonderful thing is that so little of what he made with such abandonment is indifferent poetry. The great volume of his work is a testimony to his wide responsiveness and his splendid power of shaping all he felt. It is an index, too, to the culture of the little community that had Burns for its laureate.

Walt Whitman would have liked to have written as Burns wrote—about the Days and Works of a man who made a living with his hands. But Whitman had a thesis, and this thesis, even though it was about average life, made him a separate man. Burns had no principle that separated him from anyone except the men with the thesis—the elders and the Calvinist divines. Besides, Whitman in America could not be a communist in poetry; he might bestow, but he could not share, for there was no popular poetry to take from. Burns's mind moved amongst communal creations; around him were the folk-melodies that, as one might almost say, are the only begetters of lyric poetry; the popular verse forms that anonymous poets had evolved; the fragments of folk-song that might give rise to new creations or be used to fill out a half personal combination; half formed characters and half shaped stories.

Like all who have a few possessions, Burns's people were interested in things more than in ideas, and like all country-people, they took account of personalities and phrases. Such tendencies made a good environment for a poet. Their culture was not predominantly Saxon. Burns, like the Irish poets of the nineteenth century, felt the flow of the Gaelic tradition. The music that shaped his [illegible] and the language he used so abundant in Burns's idiom. With these diminutives he creates a language that seems far removed from English speech:

> Wee, sleekit, cowrin, tim'rous beastie,
> O what a panic 's in thy breastie!
> Thou need'st not start away so hasty,
> Wi' bickering brattle!
> I wad be laith to rin and chase thee
> Wi' murdering pattle!

The words are influenced by Gaelic idiom and the meter is taken straight from Gaelic poetry. And the feeling in the poem is Celtic too. In Irish there are many poems addressed to such little creatures as Burns's mouse. Again one is reminded of Catullus, who, as scholars assure us, bore a Celtic name and was native of a country where the Celtic memory and the Celtic thought were preserved as in the north-English-speaking Scotland of Burns's day and the English-speaking Ireland of to-day.

A certain racial complacency has prevented scholars from alluding to Burns's Gaelic affiliations. But these are marked in the measures of his poetry. He writes easily to tunes that have come to him from Ireland directly, as in his verse accompaniment to "The Humours of Glinn":

> Their groves o' sweet myrtle let foreign lands reckon,
> Where bright-beaming Summers exalt the perfume!
> Far dearer to me yon lone glen of green breckan,
> Wi' the burn stealing under the long yellow broom.

And the mould of Irish music is apparent in the vagabond-soldier's song in "The Jolly Beggars":

> I am a son of Mars, who have been in many wars,
> And show my cuts and scars wherever I come:
> This here was for a wench, and that other in a trench,
> When welcoming the French at the sound of the drum.

His experiments with Irish music show his leaning towards the Gaelic rhythm. But always, naturally and unconsciously, he used Gaelic forms. One can find at random stanzas rhymed in this characteristically Gaelic way:

> O, leave novels, ye Mauchline belles—
> Ye're safer at your spinning-wheel!

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The meter that suited so well his genius and his purpose, although it had been worked on by his elders in Scots poetry, had been taken from Gaelic verse:

While briers an' woodbines budding green,
An' paitricks scraichin loud at e'en,
An' morning poussie whiddin seen,
Inspire my Muse,
This freedom in an unknown frien'
I pray excuse.

Whoever touches Burns's book touches even more than a man—he touches a community and a territory. Here is the heather expanse where the grouse crops, the meadow through which the hare limps, the upland that the poet plows, the field in which Mailie, the hapless sheep, met disaster. We see the creatures of the open with the eyes of the hunter, the farmer and the poet, and they are made so familiar to us that we can well suppose they sympathize with human affliction.

Mourn, ye wee songsters of the wood,
Ye grouse that crap the heather bud;
Ye curlews, calling through a clud;
Ye whistling plover,
And mourn, ye whirring paitrick brood:
He's gone for ever!

Mourn, sooty coots, and speckled teals;
Ye fisher herons, watching eels;
Ye duck and drake, in airy wheels
Circling the lake
Ye bitterns, till the quagmire reels
Rair for his sake!

Mourn, clam'ring craiks, at close o' day,
'Mong fields o' flowering clover gay!
And when ye wing your annual way
From our cauld shore,
Tell thae far warld wha lies in clay,
Wham we deplore!

What uproar arises from the ale-house! What laughter and vows and recriminations from the place where lovers walk! Carts creak upon the roads, the cattle make their way back to the byre, the sheep move up the hills. A drunken piper goes along the road, a fiddler plays coming from the fair, and a girl sings as she goes to the milking. We are made free of the community and we know the coarseness and the fervor, the narrowness and the license, the humor, the natural grace and the long-descended refinement of a life that is close to the soil. And then we sit on a stool in Poosie Nancy's, and, rollicking with the jolly beggars, know something of the zest of life that blackguards and starvelings know—the gaiety of the lost, perhaps, or the liberation that opens us to wisdom. At the end we hear the dead-march being played, and a military volley being fired over the grave of the poet who recorded it all.

Then let us praise his judgment, his loyalty, his independence—the judgment that made him know the value of the life he expressed, the [illegible] that kept him clear of the rules that professors and critics make. And let us praise, too, his lusty devotion to his craft:

Leeze me on rhyme! It's ay a treasure,
My chief, amaist my only pleasure,
At hame, a fiel', at work or leisure,
My Muse, poor hizzie!
Though rough and raploch be her measure,
She's seldom lazy.

Haud to the Muse, my dainty Davie:
The warl' may play you monie a shavie,
But for the Muse, she'll never leave ye,
Tho' e'er so puir,
Na, even tho limpin' wi' the spavie
From door to door!

It is Scotland's loss that one of the elements that favor the perpetuation of a national culture—militant political feeling—was absent from Burns's as from Scott's work. The Scotch began the century with two great names, but they have no contemporary national literature. The Irish, on the other hand, began with writers of considerably less account, but they have now a varied and distinctive literature. In Ireland political propaganda has helped to perpetuate a national culture.

PADRAIC COLUM.

Cooperation and Socialism

IN the literature of the social question there are no more exhilarating or rewarding polemics thon those over the relation between cooperation and socialism. In its first revolutionary uprising in the thirties of the last century, cooperation was avowedly socialistic and even communistic. Many of those who led in the Rochdale triumph after 1850 may fairly be called socialists in the loose sense in which the term was then used. But it is equally true that after the movement got stoutly upon its feet, its stores creating and owning the wholesale with its own manufacturing and banking, an eventful change appears within the membership. The radical and impatient socialist on the outside was scornful or bitter against "these plodding bourgeois virtues." From the first, consumers' cooperation has had to meet a frigid apathy like that of Karl Marx, or a venomous hostility from those who believed that every cooperative success merely delayed the victory over capitalism.

Cooperation draws into its deepening currents hosts of practical men with simpler and more immediate aims. Large orders on an unknown future interest them far less than adventures in a democracy so open to critical experience that it must always approve itself before practical men. It is

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own sake rather than as an agency for propagating any utopian faith. Between these and all who are first socialists and incidentally something else, the war continues to this day.

Especially in its theoretic aspects cooperation is near kin to socialism. Like socialism, it eliminates private profits, it gives voting powers to the man, as human being, and not to the number of shares. It does not allow the use of proxies. In its very structure it aims at the widest distribution of economic gains, as it aims at democratic management. It strives for "the whole product of industry" and for the complete possession of machinery. Without flinching, it adopts the socialist principle that all wealth-production should be carried on directly for our human uses, and not, as in competitive business, for dividends, as if their bulk was the measure of good business.

All this has the hall-mark of socialism; so much so that men of great constructive ability like Edouard Anseele, the founder of the Belgian *Vooruit,* have seen but one thought in the purpose of the two movements. Both aim, it is said, at the same shining goal, a political and economic society directed by the people in the common interest. Without a doubt, multitudes of cooperators cling passionately to some such faith as this, but the real workers among them are not dizzied by it. So relentless are the intermediate drudgeries to which their own tasks commit them that "fooling with millenniums" becomes unsatisfying. This task is no less formidable than that of proving a specific economic superiority over business as it now exists. It is at this point that one may see the supreme educational service of every genuine cooperative achievement.

Let us take one of the commonest hack definitions of socialism—"the social ownership and democratic management of land and the instruments of production." No working association of cooperators can remain on the job a single year without looking through and beyond a big phrase like that. They must know what the phrase means as related practically to the kind of business in hand, and even more in its relation to the kind of human nature then and there available. One result soon clears up; if land, capital and machinery are to be socially owned, then every scrap of personal income derived from rent, interest and profits, passes from the individual into social and collective ownership.

Here is the assumption that these forms of private gain—interest, rents and profits—are not earned, but are really filched from wealth "socially produced." In simpler terms, all of us who accept these increments are plain "dead-beats" because we this, but he has to do business. He has to buy, to sell, to manufacture, to build up banking and insurance. Because capital must be secured, he must create confidence among his fellow men, confidence in his ability, confidence in his honesty.

Since farming has become an industry, the cooperator must even there have a good deal of capital, and he must use it so skillfully as to make more capital, even if it is to be collectively owned. Shall he set out to raise money on the assumption that the payment of interest is theft? I know good cooperators who believe this, but for the first time they have a chance to study the business possibilities and human motives in a new light. There are heroic exceptions, like the Belgian socialists who refuse dividends on their capital, but most cooperators have other ways of employing their savings if interest is refused. The reasons they give for asking to be paid for their money are found to be startlingly like those set down in the dullest economic copy-books. By no utopian approach to average workingmen can your cooperator get capital enough to begin and continue in business. He must also have land, he must build or hire other buildings and thus deal with the most vital aspects of rent. It is the cooperative tussle with these business and human facts which gives him schooling that no library or academic instructor can match.

Now I do not here even raise the question whether this socialist theory of parasitic income is sound or not. I press only the single point that democratic cooperation gives the best imaginable chance to find out the present possible applications of the whole theory of "exploitation." All cooperative practise opens the same favorable opportunity to study the abuses and the uses of our present capitalistic system.

As with the whole European cooperative credit and banking, the store, the factory, the buying and selling societies, come into most intimate touch with the present property system. At most important points it has to maintain a working partnership with that system which socialism condemns.

The declared ideals of cooperation are anti-capitalistic, but its actual work goes on so close to existing economic methods that a very large part of cooperative practice bears close resemblance to the better features of ordinary business. It is here that many cooperators have their awakening. In the presence of the consumer, they have to compete not only with capitalism at its worst but with capitalism at its best. This best is steadily improving as itself becomes more social and humane. It already offers wages, hours, conditions, as well as cheap, fine-quality goods, with which cooperators

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hold their own in that differentiation toward wholly socialized undertakings and their capitalistic modifications already noted. Cooperation takes the would-be democrat at his word. It throws economic power and responsibility so directly upon the labor-group that it may slowly put every speculative fundamental in socialist theory to the most exhaustive and exacting tests.

Fortunately it does this without the least peril to social order. It does it without boycotting any heresy or experiment. This is its preeminent service, that it opens the way to put all the braveries of social reconstruction to the fairest possible trial. Very deliberately the cooperator offers to show us an economic superiority in making and creating wealth. He is to do this with every door open to all comers. He is to do it on the principle of self-help and with the least possible appeal to government coddling. He is to do it by cultivating the cash habit as against the huge waste and injustices of the debt habit. He is to do it by harmonizing more democratic politics with present business structure and function.

In this spirit at least a hundred thousand consumers' associations have won success. Other hundreds of thousands will follow them. They will not monopolize all the space in that industrial temple in which the world's work goes on, but in one of the statelier and more spacious wings their service of discipline in self-governing communities will increase.

JOHN GRAHAM BROOKS.

A COMMUNICATION

The Basis of Municipal Research

SIR: In the January second number of THE NEW REPUBLIC an article was published under the title "Municipal Research—A Criticism." The writer's argument, reduced to a syllogism, would be about as follows: First premise—the underlying principle of political redemption is immediate, undiscriminating publicity; second premise—certain research institutions have discriminated by showing their reports to public officers before giving them to the public; conclusion—such institutions are to be condemned.

In a country ruled by public opinion full publicity on all matters of public concern is essential. To be most effective, however, publicity must have a purpose. This means that any agency which undertakes to tell the unvarnished truth must use judgment, must consider relations of time and place, must discriminate. What the American people are interested in is in having public institutions do their work and do it well. In this their thinking is sound. Many assume that the officers alone can bring this about. The thinking of those who hold such a view is not sound. It is this assumption that seems to lie back of Dr. Fitzpatrick's thinking.

The state is made up of two elements, its citizenry—to use President Wilson's word—and its government. Citizens are the beneficiaries; the government is the agency incorporated to serve citizens. In order that the government may serve the citizenry well, two kinds of servants have been provided for: voters, whose duty it is to represent citizens in the selection of their head servants; and "officers," whose duty it is to select under servants and direct the current work of government.

While in this plan official responsibility is clearly marked out, the idea back of it all is cooperation. Simply because the voters have performed their duties well in the selection of a president, a governor, or a mayor, does not relieve the citizenry from responsibility. It is the duty of citizens to cooperate with their trustees. This principle

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proceedings," "the right of access to public records," the right of "petition" and "remonstrance," the right of "assembly," "free speech" and "free press."

As our social demands have become more pressing, the discharge of official duties has been made increasingly difficult. Public business has grown marvelously, not only in size but in complexity. Citizens, as beneficiaries of the incorporated public agencies, have become increasingly insistent in demands for service. The electorate, acting in the capacity of an employment agency, has picked out head servants who have "characters." When on the appointed day these officials have been put to their tasks, they have been given all the ill-adapted machinery and worn-out junk that we have accumulated during the decades of our past political housekeeping.

In this situation, what is the duty of each citizen and all citizens? Is it to sit back complacently until the new servants of the house have worn themselves to despair? If it happens that our servants are being constantly interfered with by the selfish members of the family, if the floors are not clean because the brooms are worn out, if the bread is all dough because the cook will not mind the housekeeper, and the housekeeper has no power to discharge the cook, are the facts of bad bread, dirty floors, indigestible cakes, the ones to be headlined and placarded to the already disgruntled members of the political household? It all depends on the end to be reached. If the end and purpose of publicity is to "get someone," to rob some servant of his character, to be a "cat's paw" for designing persons in helping to "turn the rascals out," then such methods would be well timed and well chosen. But does this lead to anything more definite than continued turmoil and trouble?

Another concept is this: that the officer, when he enters public service, is not responsible for conditions that already exist, and the citizen as beneficiary is the one primarily interested in having the officer, as public servant, provided with an organization and equipment by means of which the public business may be done well. It is on this theory

conducting their inquiries in such manner as will not hamper the efforts of officers chosen to manage and direct the work of the government. In this view, they have assumed that public officers are entitled to first knowledge of the results of their inquiries in every case where publication might reflect on them or their subordinates, and where, if made available to them, it may be used as a basis for constructive work. They have done this in the belief that the public will best be served by such a course; that while their interest is a public one and their appeal is to public opinion, the welfare of the public can best be conserved by giving to the public servant, the man with authority, an opportunity to make a statement of what the conditions are and of what is proposed, instead of taking the first opportunity presented to put the officer to a disadvantage. It is only when an official resents this kind of inquiry, or refuses to take the public into his confidence, that the trustees have thought it their duty to make their report of facts to the public first, without official reference.

FREDERICK A. CLEVELAND.

CORRESPONDENCE

Ethics of Non-Resistance

SIR: In an editorial entitled "Security for Neutrals," in THE NEW REPUBLIC, the argument was advanced that the violation of Belgium proves the necessity of armament in the United States if we would preserve our national interests. "A world in which a Belgium could be violated was a world in which national inoffensiveness offered no security against attack and in which a pacifist democratic ideal would have to fight for its life." If an ideal must fight for its life, may I suggest that a gun is an ineffective weapon for it? If your gun kills your opponent, naturally he can't be a strong supporter of your ideal. If your gun wounds him, naturally he won't be a strong supporter of your ideal. If you get shot by his gun—by the rules of warfare he will shoot you only if you are trying to shoot him—your ideal loses the only supporter it has. If Belgium and England and France had determined to uphold an ideal, such as democratic anti-militarism, and to persuade Germans to accept their ideal, they were idiotic to go about killing some of the Germans they wished to convert, and getting thousands of their own men—supporters of their ideal—into slaughter-trenches. It is an acknowledgment of lack of faith in the efficacy of an ideal to urge that it must have guns in order to live. If an ideal is worth anything at all it will make its own persuasive appeal to the minds of men, and any gun-protected ideal is likely not to be an ideal at all, but only gun-protected selfishness.

It was criminal for Belgians to shoot German peasants. It was criminal for German peasants to shoot Belgian factory-hands. On one side it was criminal self-preservation, the Germans fighting for their homes with the fear that if they did not march through Belgium, the French would, and on the other side it was criminal self-preservation, the Belgians fighting for their homes. What more am I saying than that war is hideously wrong? I am saying that war for self-preservation is hideously wrong, that self-preservation at the cost of war is criminal.

Would I kill a stranger in order to prevent his killing a neighbor? If there were no other way to prevent him—yes—or else I would be guilty of permitting murder. France is the cultural neighbor of Belgium—Germany compared with France is the stranger. Was Belgium therefore justified in trying to prevent Germany from crushing France? By no means, because by resisting Germany, Belgium made it possible for England and France to crush Germany. If my neighbor was bent on murdering the stranger, should I kill the stranger? No, for then argument that can be offered for Belgium is that she acted in self-defense, but I maintain that the setting up of self-defense above all consideration of others is criminal, for it logically leads in the end to murder.

The editorial to which I have referred maintained that if Belgium had refused to fight she would have been cowardly. Does the Editor of THE NEW REPUBLIC hold that the Socialists who vowed a year ago that they would refuse to fight, and who quickly joined the ranks when war was declared—does he hold that these men would have been more cowardly than they were if they had stood out against mobilization? Surely one cannot call the Socialists cowards because they did not refuse to fight, and with the same lips say that the Belgians would have been cowards if they had refused to fight. I believe that the man who kills another in self-preservation is a coward. He is a coward because he is so much afraid to lose his property or life that he is actually willing to commit murder. Am I a coward when I declare before God and my conscience that I would refuse to enlist even though there were conscription in the United States to create an army to resist foreign invasion? If I were a Quaker, there are precedents from Civil War times under which I could legally escape service at the front. But I am not a Quaker. I would probably have to suffer imprisonment or execution for treason. Some of my friends who will read this present statement may despise me. Other young men may sneer at me. Yet I say I would never willingly kill a man to save my own life. Now, do you think me a coward?

If the people of the United States continue to believe that self-preservation is their highest duty, let them put their trust in armament as the only "security for neutrals." If they ever come to believe what the Greatest Man taught—a doctrine his Church has been denying—they will see that war even in self-defense, like all war, is murder, is criminal and cowardly.

FREDERICK J. POHL.

New York City.

The President's Foreign Policy

SIR: Neither public demand nor private appeal can elicit from Mr. Wilson anything other than generalities and vague assurances regarding Mexico. That which seemed to be his policy at the beginning of Huerta's régime has vanished in thin air. The suggestion often made that his opposition to Huerta was not private dislike but based upon a large policy of liberation of the great estates to the use of the people, however much like interference such

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by his lack of openness in this matter. They feel not only that they are not treated with confidence, but that a great democratic executive is not being true to democratic principles. There should be no governmental clique in this country, and it would seem that we are less able than the English to unseal the lips of the Administration.

A vote of confidence based upon some interpellation of the government regarding the Mexican matter would probably be lost, had we the machinery to bring one about. Doubtless there are critical situations which every government has to face wherein it must keep its own counsel and hush the voices of friends and adversaries alike; but there is no indication of any such crisis and no one is satisfied with shilly-shally. The Indianapolis speech indicated a *laissez-faire* attitude which is certainly not in accord with the Vera Cruz expedition.

Then there is Mr. Roosevelt's challenge as to Belgium. Many feel that while the President may have been taken by surprise, like the rest of the world, at the outbreak of the war, and while it may not then have been quite clear to anyone what were the responsibilities of the signatories to Hague conferences, yet it is not even now too late to protest with vigor and success against the destruction of Belgium. At any moment we may read of a formal annexation of Belgium by Germany. This we may and should oppose, with all friendliness to Germany, as a step which can be taken with propriety, if at all, only in the case of absolute victory for the German arms. Our neutrality in regard to Belgium is a direct help to Germany.

G. C. C.

Mrs. Funk's Rebuttal

SIR: In the issue of THE NEW REPUBLIC of December twelfth, Mr. Charles Beard presented a strong indictment against the National American Woman Suffrage Association for adopting a resolution instructing its Congressional Committee to investigate and promote a bill in Congress, which Mr. Beard claimed was based upon the Fourteenth Amendment and the purpose of which would be to reverse a United States Supreme Court decision.

Mr. Beard then proceeded to call the members of the convention of the National Association a choice assortment of names, calculated to impress upon them the small and contemptible quality of their respective mentalities, when lo! he finds himself in the position of the mother who discovers she has spanked her offspring for eating the jam, when as a matter of fact there wasn't any jam on the pantry shelf.

I am not good-natured enough to let Mr. Beard disguise his discomfort by letting it appear that I in any way entered into an argument with him upon the non-existent and mythical resolution that the Nashville convention did not pass. I denied nothing by implication, I simply denied the whole thing by a statement that the resolution referred to was a figment of Mr. Beard's mind, a man of straw built up by him that he might unhorse it. I expressly deny that the Elections bill has any relationship whatever to the Fourteenth Amendment.

I know nothing about any pamphlets in Mr. Beard's possession, nor whether such were circulated at the Nashville convention. What has that to do, anyway, with the convention's action, I should like to know?

Mr. Beard cleverly seeks by implication to transfer his argument against the supposed resolution, supposedly based on the Fourteenth Amendment, to the resolution in support of the Elections bill. I cannot see [illegible] facts that are quite contrary, nor that an argument directed against a construction of one section of the Constitution would be a good argument against a different section. It would be easier to reply to Mr. Beard's charges against the National Association if he would elect on what charges he is going to stand. This he has failed to do, but has apparently taken hold of both horns of the dilemma.

In answer to Mr. Beard's challenge that I cannot name a reputable constitutionalist supporting the contention upon which the Elections bill is drawn, I refer him to Mr. Madison, one of the framers of the Constitution (Elliott's Debates on the Federal Constitution "Virginia," p. 366-7).

The respective values of the policies of the National Association and the Congressional Union have been worn somewhat threadbare, but the writer makes a claim that the suffrage amendment came out of the Rules Committee because of the tactics of the latter organization. The facts are these: not a single vote was changed, but late last summer Mr. Goldfogle, who had consistently opposed committee action, promised a member of the National Congressional Committee that he would not vote against the amendment being reported out. Some months later he made good on this undertaking. This is a simple statement easy of verification.

I note with interest that Mr. Beard used "with calm deliberation" the strong language previously referred to against the National, and I take it from his letter that although he called the names under a misapprehension of the true state of facts, they still apply, and we will await with what patience we may more of his deliberate calmness.

Washington, D.C. ANTOINETTE FUNK.

[The limited space of THE NEW REPUBLIC unfortunately can afford no further room to the controversy over Mr. Beard's article.—THE EDITORS.]

About "Puzzle-Education"

SIR: I hold no brief for the schools or the curriculum of the schools as they are, but instead am working with those who are changing both, as fast as they can see that the change suggested promises the end desired. Yet it seems to me you present only one side of the puzzle. Ask your Senator for the "knowledge" upon which he has built his success, then ask the lawyer, the business man, the city politician and so on through the list. Do you believe they will agree on the facts which constitute "familiarity with the world we live in"? It seems reasonably certain that one must be able to read, write and perform the elementary operations of arithmetic. But take any branch of knowledge and start to plan a teaching program to cover eight years. The puzzle is as to content. If they read the classics, ancient history and geography, however far from the successful man's fund of knowledge, are essential to their understanding. If they read modern publications, who is to determine those worth while? Certainly some things I should pick out as suitable and progressive would be rejected by many parents as radical and perversive of discipline, if not of morals.

Please let us hear more about it. Please get various men to outline what facts they have found of value. Then in case these men have "little intellectual baggage," get people who have more to outline facts that children should know when they leave school. Please do not allow the discussion to swing to the qualities to be engendered. Many of us are convinced that they should be made to think, to control themselves and so forth. But I, for one, do not know

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The Didactic Play

Maternity, a play in three acts, by Eugène Brieux. Presented by the Purpose Play Society at the Princess Theatre, New York, January 11, 1915.

GREAT credit is due to the producers of "Maternity." It took a player of real intelligence and personality, Mr. Richard Bennett, to identify his fortunes with a production that pays in more than cash—or, perhaps one should say, pays in something besides cash. American playgoers owe gratitude to Mr. Bennett for an opportunity to see one of those serious European dramas that it seems part of managerial etiquette to leave in their native air.

Considered purely as a play, however, "Maternity" is instructive rather than exalting. Among the tragedies of my youth was a Sunday institution called Teaching. Teaching consisted partly of catechism and partly of ennobling stories, and the stories were composed of moral sulphur decorated with a little fictional jam. The main object of crafty childhood was, of course, to reject the sulphur and procure the jam. A tendency like this acquired at an early age is a great handicap to becoming ennobled in later years. At a play like "Maternity" I feel childlike craftiness return. Brieux has concealed in that play several tons of powdered sulphur. Some of it, unwittingly, I consume; but being no longer of an age when I must pretend to like what I don't like, I regard my Teacher with disfavor and simply say: "I want jam." Bernard Shaw has already tabulated such iniquity as pedantry, superstition, convention, censorship, taboo, stupidity, and dread of the original thinker. But the hatred of Sunday School is a deep hatred, even though it is held in the theatre at the hands of a rugged radical, and if Brieux thinks he can moralize us in any clumsy fashion, he does not reckon with our earliest prejudices, nor does he understand or respect his art.

We have Shaw's word for it that Brieux is an artist, the successor of Euripides, Aristophanes, Shakespeare, Molière and Ibsen. So "true to life" is he that he is incomparably the greatest dramatist France has produced since Molière. Well, Shaw may know, but I refuse to be stampeded, and I believe that Shaw's appetite for social prophylaxis has drugged his comprehension of art. I do not agree with the people who say "Maternity" is dull. Social disease is too real for any thinking person to feel that. Far from being dull, it is the most interesting production in New York at the present time. But it is not interesting as drama. It is interesting as public works.

There is in the body of "Maternity" a strong and terrible tragedy, the tragedy of the girl Annette. Had Brieux obeyed his first impulse and made this the real story of "Maternity," it would have given us the complete suggestion of life. Instead, he wound it in and out of a number of ingeniously invented stories, several of them contrived on second thoughts. Of the result one can only say that if the test of a play were its gross yield in social prophylaxis, "Maternity" would be probably the greatest ever written.

"Maternity" presents six different mothers with six varieties of maternal tragedy. Almost every woman in the play is a type tragically maternal. Annette is the young girl seduced and pregnant. Lucie is the young married woman forced to bear degenerate children by an alcoholic husband whom she does not love. Madeline is sterile in wealth. Catherine, Marie Gaubert and Fé- motherhood wronged and wrecked, thus becomes a museum of perverted maternities. The indignant moralist may respond: "That is society to-day." Such, at any rate, is Shaw's contention. But, strong as are most of the arguments brought forward by Brieux, he has placed his subjects in the perspective of the early Chinese. To do so is logical but not realistic, and on the two occasions when the entire series of mothers give their experiences one after another the argument is literally absurd.

Annette is the one figure in "Maternity" whose situation is entirely respectful of life. She lives in Chartres with her sister Lucie, whose husband is an overbearing politician. She is still a schoolgirl, innocent and ignorant. Unknown to her sister she sees a good deal of a schoolmate's brother, falls in love with him, and yields to him. He promises to marry her, but his family have made ambitious plans for his marriage, and he has no scruple in setting Annette aside. She tries to throw herself under the train in which he departs, but is rescued. In a deeply pathetic scene her sister says: "You must be brave, now that you know what life is, brutally as it has been revealed to you." What follows is, or should be, a sad revelation of feminine experience, as the other three women tell Annette what they too have suffered. But when Annette's story is told to Brignac he sees it only as it may affect his own political career. His wife breaks with him, but not before he returns drunk that night and exercises his "marital rights."

Annette never appears again. In the last act Lucie is present as a co-defendant at the trial of an abortionist. Pregnant herself as the result of Brignac's assault, she and Annette went to this woman, and Annette did not survive the operation. It is characteristic of Brieux that Catherine, the woman prolific but poor, should be another co-defendant at the same trial, and that a schoolmistress should be in the same plight, to illustrate the hardships of the teacher-mother of France.

It is in the desperate effort to expose as many evils of society as possible that "Maternity" breaks down. In real life some mothers do stand some chance, but in "Maternity" not one potential mother stands any chance. The minute Brignac comes on the stage we know he is alcoholic, and the minute the doctor sees him we know what the verdict will be. So intent is Brieux on preaching this lesson that he never deems it necessary to let us see that the fruit of Brignac's union is degenerate. To make his point clear about alcoholism, he informs us that one child is deaf and dumb and that the other has convulsions. These are only two of the four or five degenerates of whom we hear; but there is nothing to give these children verisimilitude, and frankly they have no verisimilitude. Very different is the drunken lust of Brignac. A portrayed "evil," it means more to the drama that all the disgenic children about whom the doctor shakes his head.

When the doctor says: "Children ought to be deliberately and soberly brought into the world by parents healthy enough to give them health and of sufficient means to ensure their complete development," we realize that it is Brieux, not the doctor, who is talking, and that he is talking not to the characters in the play so much as to you and me. Personally, we may agree with him, but he has made his point at the expense of the illusion of his story. And how much more we would believe in his point if he enabled us to believe in his story.

If there are several hopeless amateurs in the performance [illegible] a good deal of it is yet wholly adequate.

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To the Conservative Mind

The Changing Order, by George W. Wickersham. New York: G. P. Putnam's Sons. 1914.

PERHAPS a not unserviceable definition of the conservative mind is that it is one to which the reexamination of premises is a spiritual anguish. It can find exhilaration in combating a conclusion and adventure in pursuing an inference, but to challenge an axiom is to it an impiety. It can revise but not recast. It has never formed the "habit of breaking habits." It has no flying squadrons and can campaign only from a base. To experiment with life is truly enough to play with fire. The realization of this may sober but need not daunt, but your true traditionalist is ghasted by innovation, because experimentation is to him playing with hell-fire. He knows no such thing as an hypothesis, he knows only truths and untruths. His mind is intensive merely and exegetical, hence he is neither constructive nor destructive, neither creative nor skeptical, but only critical and dogmatic; he is made miserable by contradiction—if snappish sometimes into the bargain, none the less genuinely miserable—because to contradict him is to assert that there may be something new under the sun.

Mr. Wickersham has been made very miserable indeed by the initiative, the referendum, and the recall, and of five of the thirteen essays which comprise this volume of collected addresses delivered on various occasions by the author as Attorney-General under the last Administration, the burden is that he will not be comforted. If it is objected that such criticism is merely impressionistic, I can only plead the example of my author. It will not do, of course, to be exacting of "banquet" oratory (the Palimpsest Club, one of Mr. Wickersham's hosts, is in Omaha, and in the Middle West, in our corporate capacity, we never dine), or even to require of an address before a law school on a governmental topic much more than the definition of a point of view; but, though one may view with alarm, to reprehend is one thing and to "throw a scare" is another. Were it not that the author has after three years seen fit to resurrect these speeches, one might account for their paucity of argument and plethora of invidious question-begging epithets as contemporary practical politics; it is their publication now in all the pristine panic of their campaign phraseology that convicts Mr. Wickersham of having nothing much but his fine old conservative fright to offer us. All, all are there, the old, familiar phrases—the ark of the covenant, the mess of pottage, mere theorists, impatient reformers, Constitution tinkerers, spineless and servile judiciaries, majorities whose irresponsibility serves one turn and minorities whose casualness serves another—all the floriferations of the stand-pat stump of 1912. Also, needless to say, "Tom" Paine, whom it has long been beneath the dignity of true believers to snub other than so-fashion. And really very little else.

What argument there is is mostly of the familiar *a priori* type—calculations, for instance, of how small a minority of the total registration might suffice, under the Arizona constitution, to recall a judge—always a just judge—or to enact laws—pernicious always understood. All well and good, so far as it goes, and in default of a chance to verify. But it is just here that the true inwardness of conservatism stands revealed. It doesn't want to verify, except by its stock of hand-me-down historical analogies (the horrible example of Athens is probably the hardest worked). Mr. Wickersham notes that the Oregon constitution suffered no change "between 1850 and 1902"; it was amended twelve times. "This Constitution-tinkering is the inevitable result . . ." of dis-arking the covenant, etc., etc. Yes, but what has been the result of "this constitution-tinkering"? Too early to answer? Perhaps. The point is that it doesn't seem to occur to Mr. Wickersham to ask. To the conservative in this absolutist mood, his tenses, of course, become mystically interchangeable, and so we are not surprised to find Mr. Wickersham writing, barring italics: "The independence of the judicial establishment *has been* destroyed by an elective judiciary," etc. "Independence of the judiciary" is a noble phrase, but when we hear it in the mouth of a conservative we long for the Socratic gift of compelling him to stand and deliver an answer to the question, independent of what?

The danger conservatives see in the initiative, referendum, and recall is the danger of putting the irresponsible in the majority. But to define the risk in this way is to define the adventure of democracy itself. To escape this risk is to renounce democracy. To be forced to put new curbs on majorities is to retrogress. The risk we must not run if we can help it is not so much the risk of creating irresponsible majorities—if so, how about the Fifteenth Amendment?—but the risk of making majorities irresponsible; and is it not perhaps in this that we find the gravest danger in our I. R. & R. hop, skip, and jump out of the frying-pan—in the countenance they lend to our national faith in the sovereign efficacy of guessing again? If politics in a democracy are to be realistic, that is to say, if they are a school for life, a policy of "If at first you don't succeed you may try again as often as you please" may have to stand some hard knocks from a world where the importance of being earnest consists in the frequent necessity of being right the first time. Life is not so lenient to the prodigal of chances.

Safeguards against majorities are the expedients, not the aim, of democracy, its ultimate aim being exactly to find their irreducible minimum. Each new bar taken down invites a leap into the dark, which the conservative always sees as a leap into the abyss, because he forgets the schooling received from the higher leaps of the past. After all, which was the more hair-raising experiment—the Arizona constitution of 1911, or the Federal Constitution of 1787? At all events, since majorities are the tools of democracy, in what consists our advance if we cannot put them to other uses to-day than we could in 1787? Perhaps we can't. But we are not going to find out by merely talking about it.

The other essays deal mainly with monopoly, the Sherman Anti-Trust act, and the power of Congress under the commerce clause to regulate the issue of securities of corporations engaged in interstate commerce. Mr. Wickersham's economics and his legislative program are alike simple. Monopoly is an evil and therefore to be swatted. It is capable of being effectually swatted because apparently it has no compelling economic drive behind it, but is only a perversion of the "natural course of trade and commerce," of "normal methods of business development," the result merely of "unfair competition." The Sherman Anti-Trust act, whose terms are "so comprehensive, yet so simple, that it has required two decades of judicial exposition to bring their meaning home to the people," (p. 106) has already sent it to the ropes, and the knockout can be delivered as soon as Congress passes an act regulating the issue of stocks and bonds by corporations engaged in interstate commerce. Such is the solution of "the problem which, if wisely determined, will 'scatter

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and monopoly are interchangeable terms—or rather, that monopoly is what results from unfair competition, and that "normal methods of business development" will never produce monopoly or anything dangerously resembling it. Finally, though he is nowhere explicit about it, by "normal" methods Mr. Wickersham seems to intend Manchester methods on their good behavior—Manchesterism developing a cop-consciousness. The "legal" side of these subjects—meaning by this the author's reviews of court decisions, and of the series of decrees entered in the trust cases—Mr. Wickersham has handled interestingly and with the competence born of his own distinguished share in the great prosecutions he discusses.

P. S. M.

The Judicial Veto

The Judicial Veto, by Horace A. Davis, Boston: Houghton, Mifflin Co. $1.00 net.

THE majority of writers nowadays approach the subject of judicial review either as critics or apologists. Mr. Davis blends both capacities. For while in his opening chapter he administers the conventional verbal castigations to the court for the Dartmouth College decision and *Lochner v. N.Y.,* in the ensuing chapter he emerges a true-blue conservative, holding that the courts are not only "competent to construe our constitutions" but that "they are the best tribunals we could devise for the purpose" (p. 32). But just because this is so, just because judicial review is so worth saving, it is necessary, he urges, to improve the method by which the constitutional touchstone is applied. "The courts have always prided themselves on the fact that their annulment of legislation is merely an incident of their decision of a case before them for adjudication. No method of reviewing legislation could possibly be less correct on principle and less an object of pride" (p. 24). For one thing, lawsuits are not carried on with a view to establishing correct constitutional principles, but to further certain very immediate objects of the parties to them. Again, the procedure in such cases often prevents the court from learning the real premises upon which the legislature has acted, with the result that the judges have recourse to preconceived ideas and maxims. Finally, the interest most at stake, that of the public, if not entirely ignored, is reduced to "a matter of incidental argument" (pp. 24-7). The result is "an intolerable political situation" (Pref.) for which a remedy must be devised; and this remedy must take cognizance of the fact that "the state is as much interested in the annulment of a law as in its enactment" (p. 31).

What then, is Mr. Davis' remedy? It exhibits the following features: first, that a statute should be treated as law till declared void; secondly, that immediately the constitutional question is raised, it should be certified to the highest court of the state; thirdly, that at the trial of the constitutional question, members of the legislature should be allowed to be present and to address the court; fourthly, that when a statute has been once declared void the state should submit to be cast in damages for the injuries which private persons have suffered from its operation; fifthly, that no statute should be overturned except by a substantially unanimous bench (p. 33).

Apparently the most important feature of this scheme in its author's estimation is the fourth, which is based on the supposition that judges are most reluctant to overturn [illegible] the consequence of their doing so is to disadvantage themselves. New York courts have overturned twenty-seven per cent of all statutes reviewed by them, of the tax measures which they have reviewed they have disallowed but seven per cent. The phenomenon is striking, but it is more than doubtful whether Mr. Davis has hit on the correct explanation of it. The majority of statutes annulled in recent years have succumbed to the rather vague test of "due process of law." But in the case of taxation measures, the primary requirement of due process, which is representation, is secured by the mere existence of the legislature. Furthermore, while a court might be reluctant to hamper the state in the collection of funds necessary to keep government going, it does not at all follow that it would be similarly reluctant to assess damages against it.

But, waiving these questions, let us consider the remedy itself. It appears to me to be for the most part quite useless. To begin with, it is apparently confined to cases which are brought up under the state constitution, to those cases, in other words, in which a decision adverse to the power of the state is readily remedied by constitutional amendment. Again, in order to place the right of the individual to compensation by the state beyond peradventure in such cases as it was available, it would be necessary to repeal the Eleventh Amendment. But more important still is the fact that an infraction by the legislature of the most valuable personal rights would be unassessable in pecuniary terms. Finally, it is difficult to believe that a court would derive more enlightenment from an *enquête par tourbe,* such as Mr. Davis proposes, than from a well-drawn brief, such, for instance, as that which Mr. Brandeis, acting as *amicus curiae,* filed with such notable results in the case of *Muller v. Oregon.* Probably most of the benefits anticipated by Mr. Davis from his proposed reform could be secured more economically by resort to the system, already in vogue in several states, by which the legislature is permitted to consult the court beforehand as to the constitutionality of proposed measures. Where, however, the constitutional question is raised with reference to existing statutes, the suggestion that it be immediately certified to the highest court from the court of first instance might prove valuable. The proposed requirement of substantial unanimity before a statute can be annulled is already in force in Ohio.

The last two-thirds of his volume Mr. Davis devotes to a discussion of the question whether the forefathers intended that the Federal courts should have the right to pass upon the constitutionality of acts of Congress. In brief, his theory seems to be that this function was intended for the state courts, subject only to such review by the national Supreme Court as was in fact provided for by the twenty-fifth section of the Act of 1789. Pursuing this line, Mr. Davis concludes that those who voted for the Act of 1789, including several former members of the Philadelphia Convention, must be set down as opposed to the theory of a power inherent in the Federal courts to pass upon the validity of acts of Congress.

The thesis is untenable; not only did the cases covered by the twenty-fifth section of the Act of 1789 not exhaust, as Mr. Davis assumes, the category of cases "arising under this Constitution, the acts of Congress," and the national treaties, but even as to such cases as were embraced by it there was no constitutional reason why the judicial power of the United States might not have been, if Congress had so decreed, exercised originally instead of upon appeal from state courts. But if this argument from principles which were explicitly avowed at the time is unconvincing to Mr. Davis, let him turn to the contemporary debate in the

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voicing the theory which he rejects, who, however, shortly afterward both spoke and voted for the Act of 1789.

At other points, too, Mr. Davis' argument is open to serious question, and especially is his handling of evidence calculated on occasion to evoke protest from a humane reviewer. Thus on page 54—to cite a single instance—Luther Martin of Maryland is quoted as follows: "Whether, therefore, any laws or regulations of the Congress . . . are contrary to or not warranted by the Constitution rests only with the judges who are appointed by Congress to determine; by whose determination every state must be bound." Plainly this testimony flies straight in the face of Mr. Davis' thesis. Nevertheless Mr. Davis claims it as so much grist to his mill, because, forsooth, Martin opposed the Constitution!

But, indeed, Mr. Davis seems finally to discard his own thesis. For on page 3, which was written after the essay just reviewed, he writes: "The fact seems to be that the judicial review of legislative action appealed to the people as a natural and convenient method of deciding apparent conflicts between the fundamental law as expressed in the written constitution and the occasional law as expressed in acts of Congress or of state legislatures." What clearer admission could one exact that the attack on judicial review on historical grounds has failed?

EDWARD S. CORWIN.

The Saturday Evening Post

A FRENCH savant, presumably ignorant of the price paid for the advertising pages in the *Saturday Evening Post,* might be the very critic to estimate its peculiar American contribution to international letters. His Parnassan detachment from our commercial life would make criticism possible. He would not be unprepared to find exotic if crude excellences. And there would be a certain humor in the contact of M. Jenesais, in his black-ribboned eye-glasses, with the A. B. Wenzelled and George Randolph Chestered school of fiction. We should like to reprint his well-enunciated article as it might have appeared in *Le Mercure de France.* Its careful phrasing could not be reproduced in English. But a rough translation of a few important paragraphs might be something like this:

"Emancipated from old-world literary aristocracy, a new genre school has arisen in America. But as in America the peasant class has almost vanished before the bourgeoise, so this genre school concerns itself with the life of the ordinary citizen, the overshadowing *businessman,* his wife, his sons, his daughters. So faithfully does it reproduce his concern over dollars and cents, his naïve affairs of the heart, his puritanism, his feverishly active but limited imagination, his abounding yet superficial good humor, his delight in argot, that it is scarcely exceeded as a revelation of a people by the peasant studies of Daudet or by the emanations of inbred, cloudy Russian pessimism in Turgenev or Dostoevsky.

"The subject matter is as broad as it is shallow. While no writer has penetrated to deep places of the soul, or perhaps even to the soul itself, the stories flash over characters in all parts of bourgeois life, from the climbers for purchasable social rank and the millionaire tradesmen and politicians, to Jewish clothing merchants and apprentices in mercantile offices. It is doubtful if in all this array there is one personality who has not something hate, there has grown up a new dominant motive—the bourgeois trading instinct.

"Romance is not lacking, but it is the romance of gaining vast fortunes at a stroke, or of moving in the specious glitter of electric signs and expensive cafés. Imagination of a high order is used in depicting picaresque commercial trickery, especially if it be on a large scale and involves advertising. We are turned out, bewildered, delighted and debauched, into a shifting market-place. Our depression at the vulgarity of the subject-matter is more than compensated by the cleverness of the writers. One is beguiled by the combination of grossness and esprit, by the style as of a slim-footed dancer of the American trot.

"After reading hundreds of these stories, the critic becomes eager to find the genius who was father to such a prevalent school. Surely it was a great man indeed who first had not only the cleverness to depict this life, but the heart to interpret it and the soul to criticize it! For in all these writers there is lacking the profound essence of genius. The spirit brooding over humanity, charming out its warm blossoms and night odors, revealing it by a devastating thunderbolt, pouring over it the healing of his rain, mocking it with a leaf-turning wind, scourging it with cold hail—what should not such a man do with these Americans?

"Nowhere occurred the precision combined with élàn which marks the style of the master. Nowhere was the half-concealed glint of satire in the eye. Robert Chambers, George Chester, Montague Glass, Ralph Paine—each has originated a medium of fiction; none has originated an idea or a philosophy.

"Can this be a school without a master? What a revolutionary, perhaps monstrous idea! The trouble with even a self-conscious school of writers is that it is too like a school of fish. Dexterous, full of flashes, spurting from one feeding ground to another, it nevertheless lacks dignity. These individuals are together because they could not be alone. Yet most schools have the justification that they sprang from artists. It is so—to paraphrase a great American—that mankind is enabled to hitch behind the wagon that is hitched to a star.

"Is it that these American writers represent the life of trade unconsciously, because they belong to it? Are they simply the taller cacti on the desert of shallow emotion, exemplifying, rather than interpreting their milieu? Truly a disturbing triumph for intellectual democracy! One hardly knows whether to call it literature at all. With such a flat and literal realism before us, even the most pessimistic of European writers seems hopeful on account of the nobility of the soul which stands apart and observes. Yet, with the Americans, the observing faculty may find its place in the mind of the reader. Just as we feel a charm in our un-selfconscious folk songs, reflecting the simplicity of the people, so in this more extensive simplicity they may forgive the glitter for the glamour, and laugh while they deplore.

"Nevertheless it is to be hoped, for the sake of the Americans themselves, that a virile school of writers will arise, who shall speak with their own voices. One would like to see through the eyes of genius the *Comédie Humaine* as it is in America. If all literature should be merely a depiction of the average by the average for the average, it would doubtless achieve a large circulation, but its creation would have little more function in the life of the ages than the amusing antics of a kitten chas-

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